



Journal of the Senate

Number 15—Regular Session

Thursday, April 23, 2015

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CALL TO ORDER

The Senate was called to order by President Gardiner at 10:30 a.m. A quorum present—38:

Mr. President	Flores	Montford
Abruzzo	Gaetz	Negron
Altman	Galvano	Richter
Bean	Garcia	Ring
Benacquisto	Gibson	Sachs
Bradley	Grimsley	Simmons
Brandes	Hays	Simpson
Braynon	Hukill	Smith
Bullard	Hutson	Sobel
Clemens	Joyner	Soto
Detert	Latvala	Stargel
Diaz de la Portilla	Legg	Thompson
Evers	Margolis	

PRAYER

The following prayer was offered by Senior Pastor Kyle Peddie, Corinth Baptist Church, Hosford:

Heavenly Father, we come to you this beautiful spring morning to pause and give thanks to the giver of life, the king of kings, the lord of lords, creator, and savior. We pause to give thanks for the day that you have made, and we will rejoice and be glad in it. I ask, Father, that you would bless this day as our Florida Senate convenes and continues to do the work for the people of the great state of Florida.

It has indeed been a great session, and as it ever draws near to the end, I would humbly ask you to continue to impart wisdom and discernment to the Senators in this great chamber. Many have served here in the past and have established a tradition of integrity and statesmanship that continues with the ones serving today. May the attitude of everyone in public service, from the Governor, to the school volunteer in the smallest community, be that of truly loving our neighbor as we love ourselves. I would ask you to bless each and every Senator's family, marriage, children, and extended family while they are away from home serving in this chamber today. May your hedge of protection be upon them. As they work today and for the rest of the session, may your will be done.

We believe in the risen Lord, the finished work of the cross, and *John 14:6* that says, "You are the way, the truth, and the life." Bless all the Senators today, bless Senate President Gardiner as he leads, and bless my Senator, Senator Bill Montford. In Jesus' name I pray. Amen.

PLEDGE

Senate Pages, Marc Geller of Cooper City, son of former Senator Steve Geller; Quinn Huckaba of Tallahassee; Phoebe O'Neill of Lake Wales; and Gracie Darlington of Eustis, led the Senate in the Pledge of Allegiance to the flag of the United States of America.

DOCTOR OF THE DAY

The President recognized Dr. Philip P. Mularoni of St. Petersburg, sponsored by Senator Brandes, as the doctor of the day. Dr. Mularoni specializes in pediatric emergency and sports medicine.

ADOPTION OF RESOLUTIONS

On motion by Senator Montford—

By Senator Montford—

SR 882—A resolution honoring Chester Lee Davis, Sr., in memoriam, for his patriotic service to the United States during World War II.

WHEREAS, Chester Lee Davis, Sr., was born on November 25, 1923, in Quincy, and passed away in 1981 at the age of 57, and

WHEREAS, on June 25, 1941, President Franklin D. Roosevelt issued an executive order to establish the Fair Employment Practices Commission, opening the doors for the first African Americans to enlist in the United States Marine Corps, and

WHEREAS, in 1943, Chester Lee Davis, Sr., was accepted into the Marine Corps among its first African-American recruits, completing his basic training at Montford Point in North Carolina, and

WHEREAS, Chester Lee Davis, Sr., bravely fought in World War II to defend his country, despite the fact that it did not yet offer basic civil rights for African Americans, and

WHEREAS, on November 23, 2011, President Barack Obama signed a resolution to posthumously award the Congressional Gold Medal, the highest civilian award from the United States Congress for distinguished contributions, to the members of the Montford Point Marines, and

WHEREAS, a veterans monument was dedicated on November 10, 2013, in Gadsden County, with a replica of the Congressional Gold Medal to honor and recognize Chester Lee Davis, Sr., for his service to the nation, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That Chester Lee Davis, Sr., is honored, in memoriam, for his selfless and patriotic contributions and service to the United States during World War II.

BE IT FURTHER RESOLVED that a copy of this resolution, with the Seal of the Senate affixed, be presented to his son, Chester Davis, Jr., as a tangible token of the sentiments of the Florida Senate.

—was introduced out of order and read by title. On motion by Senator Montford, **SR 882** was read the second time by title and adopted.

At the request of Senator Gardiner—

By Senator Gardiner—

SR 1642—A resolution congratulating the Apopka High School boys bowling team for winning its second Florida High School Athletic Association Championship.

WHEREAS, the 2014 Apopka High School boys bowling team finished the season as the Florida High School Athletic Association Class 8A Champions, and

WHEREAS, the Blue Darters were ranked number one overall in 2014 and were the first team in the history of the Florida High School Athletic Association to have the individual state champion, Pete Vergos, and bowling team champions come from the same school, and

WHEREAS, on November 6, 2014, the Apopka High School Blue Darters defeated the Paul J. Hagerty High School Huskies by a score of 3-2 in the Florida High School Athletic Association Class 8A Championship, ending the season with a 26-0 record, and

WHEREAS, team coaches Todd Hauser and Doug Campbell exhibited exemplary leadership and guidance to the team throughout the season, and

WHEREAS, outstanding skill, sportsmanship, and competitiveness are characteristics that were consistently demonstrated by team members Grant Dubay, Jake Thornton, Justin Thornton, Khalid Sabat, Nick Moyer, Pete Vergos, Gage Stelling, and Keith Horton, and

WHEREAS, the residents of Apopka and the surrounding community admire the hard work and team spirit demonstrated by the 2014 Apopka Blue Darters boys bowling team during the 2014 season and commend the team on its many achievements, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That the 2014 Apopka High School boys bowling team is congratulated for winning the 2014 Florida High School Athletic Association Class 8A Championship and recognized for its athletic ability, model sportsmanship, and honorable citizenship, as well as the outstanding accomplishments of the team members and coaches.

—was introduced, read and adopted by publication.

At the request of Senator Gardiner—

By Senator Gardiner—

SR 1644—A resolution congratulating the Apopka High School Blue Darters football team for winning the 2014 Florida High School Athletic Association Class 8A Football Championship.

WHEREAS, the 2014-2015 Apopka High School Blue Darters football team finished the season as the Florida High School Athletic Association Class 8A Football Champions, and

WHEREAS, the Blue Darters were ranked number one overall for the season, and

WHEREAS, on December 13, 2014, the Apopka High School Blue Darters defeated the Christopher Columbus High School Explorers of Miami by a score of 30-23 in the Florida High School Athletic Association Class 8A Football Championship, ending the season with a 11-4 record, and

WHEREAS, coaches Rick Darlington, Jeff Rolson, James Delgado, Bill Caughell, Lane Trompeter, Mark Barrett, Matt Anderson, Rodney Hodges, and Hunter Wood exhibited exemplary leadership and guidance to the team throughout the season, and

WHEREAS, outstanding skill, sportsmanship, and competitiveness are characteristics that have been consistently demonstrated by team members David Britzius, Deshawn Massey, Roddre Hardwick, Cayvian Holmes, Taden Blaise, Dakarai Campbell, David Douglas, Demetri Burch, James Crider, Dimetri King, Chandler Cox, Ray Smith, J.J.

Simmons, Noah Johnson, Quintaryis Bournes, Odunayo Seriki, Andrew Stokes, Derrick Fencher, Daniel Gonzalez, Sterden Pierre-Gilles, Con-drey Dennison, Jarrell Tinsley, Floyd Edwards, Ladarian Paulk, Fred Carson, Jon Williams, Kamron Williams, Ben Bascom, Jordan Underwood, Tequan Lemons, Frantz Lumaine, Laquan Hicks, Johnny Robinson, Correll Lynch, Jaron Jones, Shaderrick Bradford, Paul Fitzgerald, Mychal Austin, Billy Caughell, Tyler L'Heureux, Blake Bailey, Dion Ross, Austin Scott, Jake Rolson, Julian Miller, Richard St. Gerard, Willie Britton, Willis Bevelle, Alex Martin, Jacob Melbourne, Ed Montilus, Will Barnes, Reuben Lewis, Andru Schnurr, Jason Toussaint, Joneas Smalls, Martez Ivey, William Singleton, Austin Nelson, Caleb Hippensteel, Isaiah Irons, Malik Dowe, Sebastian Slagel, and Gavin Johnson, and

WHEREAS, the residents of Apopka and the surrounding community admire the hard work and team spirit demonstrated by the 2014-2015 Apopka Blue Darters football team and commend the team and the coaches on their many accomplishments, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That the 2014-2015 Apopka High School Blue Darters football team and coaching staff are congratulated for winning the 2014 Florida High School Athletic Association Class 8A Football Championship and team members are recognized for their athletic ability, model sportsmanship, and honorable citizenship.

—was introduced, read and adopted by publication.

At the request of Senator Gardiner—

By Senator Gardiner—

SR 1646—A resolution congratulating the Winter Park High School Wildcats Special Olympics team on winning the 2015 Florida High School Athletic Association Championship.

WHEREAS, the 2015 Winter Park High School Wildcats Special Olympics team finished the season as the Florida High School Athletic Association State Champions, and

WHEREAS, on February 26, 2015, the Winter Park Wildcats defeated other unified basketball teams, which join people with and without intellectual disabilities on the same team, and

WHEREAS, the tournament victory marked the team's first state championship in the first-ever unified basketball tournament, the Wildcats emerging with a 4-0 record, and

WHEREAS, exhibiting exemplary leadership and guidance to the team throughout the season were coaches Amy Connelly-Howard, Carrie Allen, Deb Hammonds, and Brian DiCarlo, and

WHEREAS, outstanding skill, sportsmanship, and competitiveness are characteristics that have been consistently demonstrated by Wildcats Michael Rivera, Hector Machado, Autum Heltemes, Michael Tuggle, Adam Wright, Ethan Smith, Mark Foust, John Hotaling, Travis Jones, and Sean Foley, and

WHEREAS, the residents of Winter Park and the surrounding community admire the hard work and team spirit demonstrated by the 2015 Winter Park Wildcats Special Olympics Unified Basketball team during the 2014-2015 season and commend the team for its many accomplishments, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That the 2015 Winter Park High School Wildcats Special Olympics Unified Basketball team is congratulated for winning the 2015 Florida High School Athletic Association Championship and recognized for its athletic ability, sportsmanship, and exemplary citizenship and the outstanding accomplishments of both players and coaches.

—was introduced, read and adopted by publication.

At the request of Senator Gardiner—

By Senator Gardiner—

SR 1648—A resolution congratulating the Winter Park High School Wildcats girls cross country team for winning the 2014 Florida High School Athletic Association Class 4A Championship.

WHEREAS, the 2014 Winter Park High School Wildcats girls cross country team finished the season as Florida 4A State Champions, and

WHEREAS, on November 15, 2014, the Winter Park Wildcats placed first in the Florida High School Athletic Association Class 4A Championship, posting the third-fastest team average time in state history and the third-best team score in team history, and

WHEREAS, four individual runners received All State honors for placing in the top 10, including the individual state champion, and

WHEREAS, exhibiting exemplary leadership and guidance to the team throughout the season were coaches Kristin McWilliams, Kathy Anguish, and Tracy Nolen, and

WHEREAS, outstanding skill, sportsmanship, and competitiveness are characteristics that have been consistently demonstrated by Wildcat runners Rafaella Gibbons, Hana Herndon, Elizabeth Jenkins, Katherine Kuhn, Maddison Larabee, Emily Nix, and Melanie White, and

WHEREAS, the residents of Winter Park and the surrounding community admire the hard work and team spirit demonstrated by the 2014 Winter Park Wildcats girls cross country team during the 2014-2015 season and commend the team on its many accomplishments, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That the 2014 Winter Park High School Wildcats girls cross country team is congratulated for winning the 2014 Florida High School Athletic Association Class 4A Championship and recognized for its athletic ability, model sportsmanship, and honorable citizenship, as well as the outstanding accomplishments of the team members and coaches.

—was introduced, read and adopted by publication.

At the request of Senator Gardiner—

By Senator Gardiner—

SR 1652—A resolution congratulating the Winter Park High School Wildcats cheerleading team for winning the 2015 National Cheerleading Championship.

WHEREAS, the 2015 Winter Park High School Wildcats cheerleading team finished the season as the Orange County Metro Conference champions, Florida High School Association 2A Class winners for Medium Varsity Division I, and National Champions, and

WHEREAS, the Wildcats were ranked number one overall in the United States in 2015, and

WHEREAS, exhibiting exemplary leadership and guidance to the team throughout the season were coaches Angela Austin, Robin McCormick, and Craig Russell, and

WHEREAS, outstanding skill, sportsmanship, and competitiveness are characteristics that have been consistently demonstrated by team members Meghann Vick, Jayssa Cayo, Maegan Feeser, Brittney Strait, Hailey Adams, Lizzie Hunpatin, Walker Legler, Monique Dyer, Paige Stafne, Rebecca Klafter, Alexa Ben-Zeev, Bailey Cain, Kyra Ashcraft, Morgan Vick, Cristina Cristy, Ally Rose, and Serena LeMand, and

WHEREAS, the residents of Winter Park and the surrounding community admire the hard work and team spirit demonstrated by the 2015 Winter Park Wildcats cheerleading team during the 2014-2015 season and commend the team on its many accomplishments, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That the 2015 Winter Park High School Wildcats cheerleading team is congratulated for winning the 2015 National Championship and recognized for its athletic ability, sportsmanship, and honorable citizenship, as well as the outstanding accomplishments of the team members and their coaches.

—was introduced, read and adopted by publication.

At the request of Senator Margolis—

By Senators Margolis, Gibson, Sobel, Joyner, and Sachs—

SR 1658—A resolution recognizing April 23, 2015, as “National Association of Women Business Owners Day” in Florida.

WHEREAS, in 1975, a dozen like-minded businesswomen in the Washington, D.C., area gathered to share information and create an atmosphere of professional community and to further and strengthen their entrepreneurial interests, and

WHEREAS, this group quickly grew to become what is now known as the National Association of Women Business Owners (NAWBO), and

WHEREAS, in 1988, NAWBO played a key role in the passage of the Women’s Business Ownership Act, also known as H.R. 5050, which allowed women to receive business loans without the cosignature of a male relative, and

WHEREAS, the federal legislation also created the National Women’s Business Council, a body of women entrepreneurs and women’s organizations which provides counsel to the President and Congress, and

WHEREAS, over the past 40 years, NAWBO, through its affiliation with the World Association of Women Entrepreneurs, has extended its global reach to 60 countries on five continents and has expanded across the United States, boasting a chapter in nearly every major metropolitan area, including five chapters in Florida: Miami, Ft. Lauderdale/Broward County, Southwest Florida/Estero, Orlando, and Lakeland Metro, and

WHEREAS, NAWBO strongly supports the achievement of state and federal procurement goals for women-owned small businesses and other steps designed to ensure that women business owners win their fair share of state and federal contracts, realizing that failure to achieve such goals has cost women business owners an average of \$5 billion in lost revenues per year, and

WHEREAS, NAWBO propels women entrepreneurs into economic, social, and political spheres of power by strengthening the wealth-creating capacity of its members and promoting economic development within the entrepreneurial community; creating innovative and effective change in the business culture; building strategic alliances, coalitions, and affiliations; and transforming public policy and influencing opinion makers, and

WHEREAS, on April 23, 2015, the Florida chapters of NAWBO will converge upon the Capitol to focus the political spotlight on issues affecting women business owners and to celebrate the 40th anniversary of NAWBO’s founding, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That April 23, 2015, is recognized as “National Association of Women Business Owners Day” in Florida.

—was introduced, read and adopted by publication.

At the request of Senator Soto—

By Senator Soto—

SR 1660—A resolution recognizing the Puerto Rico Federal Affairs Administration and its Southern Regional Office in Kissimmee.

WHEREAS, the Puerto Rico Federal Affairs Administration (PRFAA) represents the Commonwealth of Puerto Rico before federal, state, and

local governments on the mainland, promoting economic and public policy initiatives to achieve a better quality of life for the nearly 4 million United States citizens who live in Puerto Rico and advising local governmental agencies and municipalities on the island on issues of interest to Puerto Rico which are pending before the federal government, and

WHEREAS, the PRFAA's main office in Washington, D.C., serves as the Commonwealth of Puerto Rico's primary liaison in the nation's capital, and the PRFAA also has a Southern Regional Office, located in Kissimmee, which serves nearly 900,000 Florida residents, and

WHEREAS, the PRFAA's regional offices have evolved from providing guidance to Puerto Rican migrants to promoting cultural awareness and helping the Puerto Rican community get involved in the political process, and

WHEREAS, the PRFAA's regional offices focus on economic development through the promotion of business ventures between Puerto Rico and the Puerto Rican communities in the United States, and on educational development, empowerment, and leadership through partnerships with community organizations, and

WHEREAS, the PRFAA Southern Regional Office serves as a facilitator between Puerto Ricans and Florida's state and local governments, and

WHEREAS, the PRFAA Southern Regional Office assists the Puerto Rican diaspora with gaining access to Puerto Rican government services, processing documents, and obtaining birth and death certificates from Puerto Rico, and

WHEREAS, the PRFAA Southern Regional Office provides educational seminars and guidance to Puerto Ricans who want to do business in Florida and coordinates meetings between governmental agencies and Florida business owners who wish to expand their operations to Puerto Rico, and

WHEREAS, the PRFAA Southern Regional Office helps Puerto Ricans apply for federal assistance programs and for health insurance through the Affordable Care Act's Health Insurance Marketplace, and

WHEREAS, the PRFAA Southern Regional Office has been a champion of Puerto Rican culture in this state and has participated in the coordination of Puerto Rico Day at the Capitol since 2008, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That the Puerto Rico Federal Affairs Administration and its Southern Regional Office in Kissimmee are recognized.

—was introduced, read and adopted by publication.

At the request of Senator Soto—

By Senator Soto—

SR 1666—A resolution remembering Major League Baseball star and Baseball Hall of Fame member Roberto Clemente.

WHEREAS, Roberto Clemente was born on August 18, 1934, in Carolina, Puerto Rico, and

WHEREAS, for 18 seasons, from 1955 to 1972, Roberto Clemente played Major League Baseball for the Pittsburgh Pirates, and

WHEREAS, as a Spanish-speaking black man, Roberto Clemente battled against discrimination in America and was outspoken about the inequities he faced, eventually convincing the Pittsburgh Pirates management to allow black players to travel in their own station wagon, and

WHEREAS, Roberto Clemente said that enduring the unjust racial divide during spring training was like being in prison, and

WHEREAS, Roberto Clemente's accomplishments as a Major League Baseball player include 3,000 hits, 4 National League batting titles, a

.317 lifetime batting average, and 12 Gold Glove awards, making him perhaps the best defensive right fielder of all time, and

WHEREAS, Roberto Clemente confronted and overcame racism and language barriers to become the first dark-skinned Latino to achieve unquestioned superstar status as a Major League Baseball player, and

WHEREAS, Roberto Clemente's admiration for Dr. Martin Luther King, Jr., and his participation in the civil rights movement were spurred by the racism he experienced in the United States, and

WHEREAS, Roberto Clemente was an intelligent and passionate political activist who marched in the protests of the 1960s and spent time with Dr. King when the civil rights leader visited Clemente in Puerto Rico, and

WHEREAS, when Dr. King was assassinated in Memphis on April 4, 1968, Pittsburg Pirates All-Star Roberto Clemente was devastated by the news and, with his teammates, persuaded the Pittsburgh Pirates and Houston Astros to postpone their April 8 opening day game until April 10 because of Dr. King's funeral, and

WHEREAS, during Roberto Clemente's professional career, he saw significant change in both Major League Baseball and American society, and

WHEREAS, Roberto Clemente once said, "Anytime you have an opportunity to make a difference in this world and you don't, then you are wasting your time on this earth," and

WHEREAS, Roberto Clemente exhibited a passion for young fans, becoming a role model for all players, but particularly for Latinos who played with him and against him, and for generations of players since then who owe him a debt of gratitude that can never be repaid, and

WHEREAS, Roberto Clemente was voted the Most Valuable Player of the 1971 World Series and made history by addressing a national television audience in Spanish during the clubhouse celebration, and

WHEREAS, on December 31, 1972, the plane carrying Roberto Clemente on a relief mission to provide emergency assistance to the victims of a Nicaraguan earthquake crashed into the sea, and all on board perished, and

WHEREAS, Roberto Clemente was posthumously inducted into the Baseball Hall of Fame in 1973, becoming only the second player for whom the 5-year mandatory waiting period was waived, and

WHEREAS, Roberto Clemente was posthumously presented three civilian awards of the United States government from the President of the United States, including the first Presidential Citizens Medal, the Roberto Walker Clemente Congressional Gold Medal, and the Presidential Medal of Freedom, and

WHEREAS, in 2009, the Florida Puerto Rican/Hispanic Chamber of Commerce, Inc., the United Third Bridge, Inc., the Brevard County School Board, and other partners named the largest sports complex in Palm Bay, at Heritage High School, after Roberto Clemente, and

WHEREAS, the legacy of Roberto Clemente as a hero of the game and a positive role model extends beyond the island of Puerto Rico and the Latino community, with his most significant contributions to a better world recorded in the history books, not the baseball record book, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That Roberto Clemente is remembered as a remarkable athlete and human being whose life was a testament of the best that America's "national pastime" has to offer.

—was introduced, read and adopted by publication.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

FIRST READING

The Honorable Andy Gardiner, President

I am directed to inform the Senate that the House of Representatives has adopted HCR 8009 and requests the concurrence of the Senate.

Bob Ward, Clerk

By Representative(s) Raulerson, Artiles, Murphy—

HCR 8009—A concurrent resolution confirming the appointment of Sherrill Foltz Norman to the position of Auditor General.

—was read the first time by title. On motion by Senator Abruzzo, by two-thirds vote **HCR 8009** was read the second time by title, unanimously adopted and certified to the House. The vote was:

Yeas—38

Mr. President	Flores	Montford
Abruzzo	Gaetz	Negron
Altman	Galvano	Richter
Bean	Garcia	Ring
Benacquisto	Gibson	Sachs
Bradley	Grimsley	Simmons
Brandes	Hays	Simpson
Braynon	Hukill	Smith
Bullard	Hutson	Sobel
Clemens	Joyner	Soto
Detert	Latvala	Stargel
Diaz de la Portilla	Legg	Thompson
Evers	Margolis	

Nays—None

By direction of the President, the rules were waived and the Senate proceeded to—

SPECIAL ORDER CALENDAR

SENATOR RICHTER PRESIDING

SM 1422—A memorial to the Congress of the United States and the President of the United States, urging them to pass and enact new economic sanctions against Iran should that nation be found to be in violation of the Joint Plan of Action or fail to reach an acceptable agreement by the dates set forth in the November 2014 extension of the Joint Plan of Action.

—was read the second time by title. On motion by Senator Abruzzo, **SM 1422** was adopted and certified to the House.

Consideration of **SB 462**, **CS for CS for CS for SB 220**, and **CS for CS for SB 7066** was deferred.

CS for SB 816—A bill to be entitled An act relating to the regulation of health care facilities and services; amending s. 400.474, F.S.; revising the information that a home health agency is required to submit to the Agency for Health Care Administration for license renewal; removing the requirement that a home health agency submit quarterly reports; amending s. 408.036, F.S.; providing an exemption from a certificate-of-need review for applicants that were previously licensed within a specified period as a health care facility or provider and that meet certain criteria; providing an exception for an applicant whose license expired during a specified time period to apply for an exemption from the review; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for SB 816**, pursuant to Rule 3.11(3), there being no objection, **HB 441** was withdrawn from the Committees on Health Policy; Appropriations Subcommittee on Health and Human Services; and Fiscal Policy.

On motion by Senator Grimsley—

HB 441—A bill to be entitled An act relating to home health agencies; amending s. 400.474, F.S.; revising the information that a home health agency is required to submit to the Agency for Health Care Administration for license renewal; removing requirement that a home health agency submit quarterly reports; providing an effective date.

—a companion measure, was substituted for **CS for SB 816** and read the second time by title.

Senator Grimsley moved the following amendment which was adopted:

Amendment 1 (960070) (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Subsection (7) of section 400.474, Florida Statutes, is amended to read:

400.474 Administrative penalties.—

(7) A home health agency shall submit to the agency, *with each license renewal application, the number of patients who receive home health services from the home health agency on the day that the license renewal application is filed,* ~~within 15 days after the end of each calendar quarter, a written report that includes the following data as they existed on the last day of the quarter:~~

~~(a) The number of insulin dependent diabetic patients who receive insulin injection services from the home health agency.~~

~~(b) The number of patients who receive both home health services from the home health agency and hospice services.~~

~~(c) The number of patients who receive home health services from the home health agency.~~

~~(d) The name and license number of each nurse whose primary job responsibility is to provide home health services to patients and who received remuneration from the home health agency in excess of \$25,000 during the calendar quarter.~~

~~If the home health agency fails to submit the written quarterly report within 15 days after the end of each calendar quarter, the Agency for Health Care Administration shall impose a fine against the home health agency in the amount of \$200 per day until the Agency for Health Care Administration receives the report, except that the total fine imposed pursuant to this subsection may not exceed \$5,000 per quarter. A home health agency is exempt from submission of the report and the imposition of the fine if it is not a Medicaid or Medicare provider or if it does not share a controlling interest with a licensee, as defined in s. 408.803, which bills the Florida Medicaid program or the Medicare program.~~

Section 2. Paragraph (t) is added to subsection (3) of section 408.036, Florida Statutes, to read:

408.036 Projects subject to review; exemptions.—

(3) EXEMPTIONS.—Upon request, the following projects are subject to exemption from the provisions of subsection (1):

(t) For the establishment of a health care facility or project that meets all of the following criteria:

1. The applicant was previously licensed within the past 21 days as a health care facility or provider that is subject to subsection (1).
2. The applicant failed to submit a renewal application and the license expired on or after January 1, 2015.
3. The applicant does not have a license denial or revocation action pending with the agency at the time of the request.

4. *The applicant's request is for the same service type, district, service area, and site for which the applicant was previously licensed.*

5. *The applicant's request, if applicable, includes the same number and type of beds as were previously licensed.*

6. *The applicant agrees to the same conditions that were previously imposed on the certificate of need or on an exemption related to the applicant's previously licensed health care facility or project.*

7. *The applicant applies for initial licensure as required under s. 408.806 within 21 days after the agency approves the exemption request. If the applicant fails to apply in a timely manner, the exemption expires on the 22nd day following the agency's approval of the exemption.*

Notwithstanding subparagraph 1., an applicant whose license expired between January 1, 2015 and the effective date of this act may apply for an exemption within 30 days of this act becoming law.

Section 3. This act shall take effect upon becoming a law.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to the regulation of health care facilities and services; amending s. 400.474, F.S.; revising the information that a home health agency is required to submit to the Agency for Health Care Administration for license renewal; removing the requirement that a home health agency submit quarterly reports; amending s. 408.036, F.S.; providing an exemption from a certificate-of-need review for applicants that were previously licensed within a specified period as a health care facility or provider and that meet certain criteria; providing an exception for an applicant whose license expired during a specified time period to apply for an exemption from the review; providing an effective date.

Pursuant to Rule 4.19, **HB 441**, as amended, was placed on the calendar of Bills on Third Reading.

Consideration of **CS for CS for CS for HB 87** was deferred.

On motion by Senator Bean—

CS for CS for SB 1296—A bill to be entitled An act relating to military and veterans affairs; creating the Military and Overseas Voting Assistance Task Force within the Department of State; specifying membership of the task force; authorizing reimbursement for per diem and travel expenses; prescribing duties of the task force; requiring submission of a report to the Governor and the Legislature by a specified date; providing for expiration of the task force; providing for staffing; providing legislative findings regarding continuing education for veterans of the United States Armed Forces; providing legislative intent for the State Board of Education and the Board of Governors of the State University System to work collaboratively to align existing degree programs at state universities and Florida College System institutions, train faculty, incorporate outreach services into existing disability services, facilitate statewide meetings for personnel, and provide sufficient courses and priority registration to veterans; amending s. 322.08, F.S.; requiring the application form for an original, renewal, or replacement driver license or identification card to include a voluntary checkoff authorizing veterans to request written or electronic information on federal, state, and local benefits and services for veterans; requiring the requested information to be delivered by a third-party provider; requiring the Department of Highway Safety and Motor Vehicles to report monthly to the Department of Veterans' Affairs the names and mailing or e-mail addresses of veterans who request information; requiring the Department of Veterans' Affairs to disseminate veteran contact information to the third-party provider; requiring that the third-party provider be a nonprofit organization; defining the term "nonprofit organization"; requiring that the Department of Veterans' Affairs provide veteran contact information to the appropriate county or city veteran service officer; specifying that a third-party provider may use veteran contact information only as authorized; prohibiting a third-party provider from selling veteran contact information; requiring a third-party provider to maintain confidentiality of veteran contact information under specified provisions; providing a penalty; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for CS for SB 1296** was placed on the calendar of Bills on Third Reading.

On motion by Senator Sobel—

CS for SB 7078—A bill to be entitled An act relating to child welfare; amending s. 39.2015, F.S.; authorizing critical incident rapid response teams to review cases of child deaths occurring during an open investigation; requiring the advisory committee to meet quarterly and submit quarterly reports; amending s. 39.3068, F.S.; requiring case staffing when medical neglect is substantiated; amending s. 383.402, F.S.; requiring an epidemiological child abuse death assessment and prevention system; providing intent for the operation of and interaction between the state and local death review committees; limiting members of the state committee to terms of 2 years, not to exceed three consecutive terms; requiring the committee to elect a chairperson and authorizing specified duties of the chairperson; providing for per diem and reimbursement of expenses; specifying duties of the state committee; deleting obsolete provisions; providing for the convening of county or multicounty local review committees and support by the county health department directors; specifying membership and duties of local review committees; requiring the state review committee to submit an annual statistical report to the Governor and the Legislature; identifying the required content for the report; specifying that certain responsibilities of the Department of Children and Families are to be administered at the regional level, rather than at the district level; amending s. 409.977, F.S.; authorizing Medicaid managed care specialty plans to serve specified children; amending s. 409.986, F.S.; revising legislative intent to require community-based care lead agencies to give priority to the use of evidence-based and trauma-informed services; amending s. 409.988; requiring lead agencies to give priority to the use of evidence-based and trauma-informed services; amending s. 435.02, F.S.; redefining a term; providing an effective date.

—was read the second time by title.

Senator Brandes moved the following amendment which was adopted:

Amendment 1 (725524) (with title amendment)—Between lines 89 and 90 insert:

Section 3. Subsection (4) of section 125.901, Florida Statutes, is amended to read:

125.901 Children's services; independent special district; council; powers, duties, and functions; public records exemption.—

(4)(a) Any district created pursuant to this section may be dissolved by a special act of the Legislature, or the county governing body may by ordinance dissolve the district subject to the approval of the electorate.

(b)1.a. Notwithstanding paragraph (a), the governing body of the county shall submit the question of retention or dissolution of a district with voter-approved taxing authority to the electorate in the general election according to the following schedule:

(I) For a district in existence on July 1, 2010, and serving a county with a population of 400,000 or fewer persons as of that date . . . 2014.

~~(II) For a district in existence on July 1, 2010, and serving a county with a population of more than 400,000 but fewer than 2 million persons as of that date . . . 2016.~~

~~(II)(III)~~ For a district in existence on July 1, 2010, and serving a county with a population of 2 million or more persons as of that date . . . 2020.

b. A referendum by the electorate on or after July 1, 2010, creating a new district with taxing authority may specify that the district is not subject to reauthorization or may specify the number of years for which the initial authorization shall remain effective. If the referendum does not prescribe terms of reauthorization, the governing body of the county shall submit the question of retention or dissolution of the district to the electorate in the general election 12 years after the initial authorization.

2. The governing body of the district may specify, and submit to the governing body of the county no later than 9 months before the scheduled election, that the district is not subsequently subject to reauthorization or may specify the number of years for which a reauthorization under this paragraph shall remain effective. If the governing body of the district makes such specification and submission, the governing body of the county shall include that information in the question submitted to the electorate. If the governing body of the district does not specify and submit such information, the governing body of the county shall re-submit the question of reauthorization to the electorate every 12 years after the year prescribed in subparagraph 1. The governing body of the district may recommend to the governing body of the county language for the question submitted to the electorate.

3. Nothing in this paragraph limits the authority to dissolve a district as provided under paragraph (a).

4. Nothing in this paragraph precludes the governing body of a district from requesting that the governing body of the county submit the question of retention or dissolution of a district with voter-approved taxing authority to the electorate at a date earlier than the year prescribed in subparagraph 1. If the governing body of the county accepts the request and submits the question to the electorate, the governing body satisfies the requirement of that subparagraph.

If any district is dissolved pursuant to this subsection, each county must first obligate itself to assume the debts, liabilities, contracts, and outstanding obligations of the district within the total millage available to the county governing body for all county and municipal purposes as provided for under s. 9, Art. VII of the State Constitution. Any district may also be dissolved pursuant to s. part VII of chapter 189.

And the title is amended as follows:

Between lines 8 and 9 insert: amending s. 125.901, F.S.; revising the schedule for a county's governing body to submit a general election ballot question on whether to retain a children's services district with voter-approved taxing authority;

Senator Sobel moved the following amendment which was adopted:

Amendment 2 (315116) (with title amendment)—Between lines 452 and 453 insert:

Section 4. Subsection (6) of section 402.301, Florida Statutes, is amended to read:

402.301 Child care facilities; legislative intent and declaration of purpose and policy.—It is the legislative intent to protect the health, safety, and well-being of the children of the state and to promote their emotional and intellectual development and care. Toward that end:

(6) It is further the intent that membership organizations affiliated with national organizations which do not provide child care, whose primary purpose is providing activities that contribute to the development of good character or good sportsmanship or to the education or cultural development of minors in this state, which charge only a nominal annual membership fee, which are not for profit, and which are certified by their national associations as being in compliance with the association's minimum standards and procedures shall not be considered child care facilities ~~and therefore, their personnel shall not be required to be screened. However, all personnel as defined in s. 402.302 of such membership organizations shall meet background screening requirements through the department pursuant to ss. 402.305 and 402.3055.~~

Section 5. Subsection (3) of section 402.302, Florida Statutes, is amended to read:

402.302 Definitions.—As used in this chapter, the term:

(3) "Child care personnel" means all owners, operators, employees, and volunteers working in a child care facility. The term does not include persons who work in a child care facility after hours when children are not present or parents of children in a child care facility. For purposes of screening, the term includes any member, over the age of 12 years, of a child care facility operator's family, or person, over the age of 12 years, residing with a child care facility operator if the child care facility is located in or adjacent to the home of the operator or if the family member of, or person residing with, the child care facility operator has any direct

contact with the children in the facility during its hours of operation. Members of the operator's family or persons residing with the operator who are between the ages of 12 years and 18 years are not required to be fingerprinted but must be screened for delinquency records. For purposes of screening, the term also includes persons who work in child care programs that provide care for children 15 hours or more each week in public or nonpublic schools, family day care homes, *membership organizations under s. 402.301*, or programs otherwise exempted under s. 402.316. The term does not include public or nonpublic school personnel who are providing care during regular school hours, or after hours for activities related to a school's program for grades kindergarten through 12. A volunteer who assists on an intermittent basis for less than 10 hours per month is not included in the term "personnel" for the purposes of screening and training if a person who meets the screening requirement of s. 402.305(2) is always present and has the volunteer in his or her line of sight. Students who observe and participate in a child care facility as a part of their required coursework are not considered child care personnel, provided such observation and participation are on an intermittent basis and a person who meets the screening requirement of s. 402.305(2) is always present and has the student in his or her line of sight.

And the title is amended as follows:

Delete line 29 and insert: level, rather than at the district level; amending s. 402.301, F.S.; requiring personnel of specified membership organizations to meet background screening requirements; amending s. 402.302, F.S.; adding personnel of specified membership organizations to the definition of the term child care personnel; amending s.

Pursuant to Rule 7.1(1), there being no objection, consideration of the following late-filed amendment was allowed:

Senator Garcia moved the following amendment which was adopted:

Amendment 3 (165228) (with title amendment)—Between lines 505 and 506 insert:

Section 2. Section 1006.061, Florida Statutes, is amended to read:

1006.061 Child abuse, abandonment, and neglect policy.—Each district school board, charter school, and private school that accepts scholarship students under s. 1002.39 or s. 1002.395 shall:

(1) Post in a prominent place in each school a notice that, pursuant to chapter 39, all employees and agents of the district school board, charter school, or private school have an affirmative duty to report all actual or suspected cases of child abuse, abandonment, or neglect; have immunity from liability if they report such cases in good faith; and have a duty to comply with child protective investigations and all other provisions of law relating to child abuse, abandonment, and neglect. The notice shall also include the statewide toll-free telephone number of the central abuse hotline.

(2) Post in a prominent place at each school site and on each school's Internet website, if available, the policies and procedures for reporting alleged misconduct by instructional personnel or school administrators which affects the health, safety, or welfare of a student; the contact person to whom the report is made; and the penalties imposed on instructional personnel or school administrators who fail to report suspected or actual child abuse or alleged misconduct by other instructional personnel or school administrators.

(3) Require the principal of the charter school or private school, or the district school superintendent, or the superintendent's designee, at the request of the Department of Children and Families, to act as a liaison to the Department of Children and Families and the child protection team, as defined in s. 39.01, when in a case of suspected child abuse, abandonment, or neglect or an unlawful sexual offense involving a child the case is referred to such a team; except that this does not relieve or restrict the Department of Children and Families from discharging its duty and responsibility under the law to investigate and report every suspected or actual case of child abuse, abandonment, or neglect or unlawful sexual offense involving a child.

(4)(a) Post in a prominent place in a clearly visible location and public area of the school which is readily accessible to and widely used by students a sign in English and Spanish that contains:

1. *The statewide toll-free telephone number of the central abuse hotline as provided in chapter 39;*
2. *Instructions to call 911 for emergencies; and*
3. *Directions for accessing the Department of Children and Families Internet website for more information on reporting abuse, neglect, and exploitation.*

(b) *The information in paragraph (a) must be put on at least one poster in each school, on a sheet that measures at least 11 inches by 17 inches, produced in large print, and placed at student eye level for easy viewing.*

The Department of Education shall develop, and publish on the department's Internet website, sample notices suitable for posting in accordance with subsections (1), ~~and~~ (2), and (4).

And the title is amended as follows:

Delete line 38 and insert: F.S.; redefining a term; amending s. 1006.061, F.S.; requiring each district school board, charter school, and certain private schools to post in each school a poster with specified information; providing criteria for the poster; requiring the Department of Education to develop and publish a sample notice on its Internet website; providing an effective date.

Pursuant to Rule 4.19, **CS for SB 7078** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

SPECIAL GUESTS

Senator Evers recognized the late Senator James A. "Jim" King's goddaughter, Kate Bascom, who was present in the gallery.

Senator Thompson recognized her son, Emerson R. Thompson III, and her granddaughters, Symone and Kiara Thompson, who were present in the gallery.

CS for CS for SB 7070—A bill to be entitled An act relating to mental health and substance abuse; amending ss. 29.004, 39.001, 39.507, and 39.521, F.S.; conforming provisions to changes made by the act; amending s. 381.0056, F.S.; revising the definition of the term "emergency health needs"; requiring school health services plans to include notification requirements when a student is removed from school, school transportation, or a school-sponsored activity for involuntary examination; amending s. 394.453, F.S.; providing legislative intent regarding the development of programs related to substance abuse impairment by the Department of Children and Families; expanding legislative intent related to a guarantee of dignity and human rights to all individuals who are admitted to substance abuse treatment facilities; amending s. 394.455, F.S.; defining and redefining terms; deleting terms; amending s. 394.457, F.S.; adding substance abuse services as a program focus for which the Department of Children and Families is responsible; deleting a requirement that the department establish minimum standards for personnel employed in mental health programs and provide orientation and training materials; amending s. 394.4573, F.S.; deleting a term; adding substance abuse care as an element of the continuity of care management system that the department must establish; deleting duties and measures of performance of the department regarding the continuity of care management system; amending s. 394.459, F.S.; extending a right to dignity to all individuals held for examination or admitted for mental health or substance abuse treatment; providing procedural requirements that must be followed to detain without consent an individual who has a substance abuse impairment but who has not been charged with a criminal offense; providing that individuals held for examination or admitted for treatment at a facility have a right to certain evaluation and treatment procedures; removing provisions regarding express and informed consent for medical procedures requiring the use of a general anesthetic or electroconvulsive treatment; requiring facilities to have written procedures for reporting events that place individuals receiving services at risk of harm; requiring service providers to provide information concerning advance directives to individuals receiving services; amending s. 394.4597, F.S.; specifying certain persons who are prohibited from being selected as an individual's representative; providing certain rights to representatives; amending s. 394.4598, F.S.;

specifying certain persons who are prohibited from being appointed as an individual's guardian advocate; providing guidelines for decisions of guardian advocates; amending s. 394.4599, F.S.; including health care surrogates and proxies as individuals who may act on behalf of an individual involuntarily admitted to a facility; requiring a receiving facility to give notice immediately of the whereabouts of a minor who is being held involuntarily to the minor's parent, guardian, caregiver, or guardian advocate; providing circumstances when notification may be delayed; requiring the receiving facility to make continuous attempts to notify; authorizing the receiving facility to seek assistance from law enforcement under certain circumstances; requiring the receiving facility to document notification attempts in the minor's clinical record; amending s. 394.4615, F.S.; adding a condition under which the clinical record of an individual must be released to the state attorney; providing for the release of information from the clinical record to law enforcement agencies under certain circumstances; amending s. 394.462, F.S.; providing that a person in custody for a felony other than a forcible felony must be transported to the nearest receiving facility for examination; providing that a law enforcement officer may transport an individual meeting the criteria for voluntary admission to a mental health receiving facility, addictions receiving facility, or detoxification facility at the individual's request; amending s. 394.4625, F.S.; providing criteria for the examination and treatment of an individual who is voluntarily admitted to a facility; providing criteria for the release or discharge of the individual; providing that a voluntarily admitted individual who is released or discharged and who is currently charged with a crime shall be returned to the custody of a law enforcement officer; providing procedures for transferring an individual to voluntary status and involuntary status; amending s. 394.463, F.S.; providing for the involuntary examination of a person for a substance abuse impairment; providing for the transportation of an individual for an involuntary examination; providing that a certificate for an involuntary examination must contain certain information; providing criteria and procedures for the release of an individual held for involuntary examination from receiving or treatment facilities; amending s. 394.4655, F.S.; adding substance abuse impairment as a condition to which criteria for involuntary outpatient placement apply; providing guidelines for an attorney representing an individual subject to proceedings for involuntary outpatient placement; providing guidelines for the state attorney in prosecuting a petition for involuntary placement; requiring the court to consider certain information when determining whether to appoint a guardian advocate for the individual; requiring the court to inform the individual and his or her representatives of the individual's right to an independent expert examination with regard to proceedings for involuntary outpatient placement; amending s. 394.467, F.S.; adding substance abuse impairment as a condition to which criteria for involuntary inpatient placement apply; adding addictions receiving facilities and detoxification facilities as identified receiving facilities; providing for first and second medical opinions in proceedings for placement for treatment of substance abuse impairment; providing guidelines for attorney representation of an individual subject to proceedings for involuntary inpatient placement; providing guidelines for the state attorney in prosecuting a petition for involuntary placement; setting standards for the court to accept a waiver of the individual's rights; requiring the court to consider certain testimony regarding the individual's prior history in proceedings; requiring the Division of Administrative Hearings to inform the individual and his or her representatives of the right to an independent expert examination; amending s. 394.4672, F.S.; providing authority of facilities of the United States Department of Veterans Affairs to conduct certain examinations and provide certain treatments; amending s. 394.47891, F.S.; expanding eligibility criteria for military veterans' and service-members' court programs; creating s. 394.47892, F.S.; authorizing counties to fund treatment-based mental health court programs; providing legislative intent; providing that pretrial program participation is voluntary; specifying criteria that a court must consider before sentencing a person to a postadjudicatory treatment-based mental health court program; requiring a judge presiding over a postadjudicatory treatment-based mental health court program to hear a violation of probation or community control under certain circumstances; providing that treatment-based mental health court programs may include specified programs; requiring a judicial circuit with a treatment-based mental health court program to establish a coordinator position, subject to annual appropriation by the Legislature; providing county funding requirements for treatment-based mental health court programs; authorizing the chief judge of a judicial circuit to appoint an advisory committee for the treatment-based mental health court program; specifying membership of the committee; amending s. 394.656, F.S.; revising the composi-

tion and duties of the Criminal Justice, Mental Health, and Substance Abuse Statewide Grant Review Committee within the Department of Children and Families; requiring the department to create a grant review and selection committee; prescribing duties of the committee; authorizing a designated not-for-profit community provider to apply for certain grants; amending s. 394.875, F.S.; removing a limitation on the number of beds in crisis stabilization units; amending s. 394.9082, F.S.; defining the term "public receiving facility"; requiring the department to establish specified standards and protocols with respect to the administration of the crisis stabilization services utilization database; directing managing entities to require public receiving facilities to submit utilization data on a periodic basis; providing requirements for the data; requiring managing entities to periodically submit aggregate data to the department; requiring the department to adopt rules; requiring the department to annually submit a report to the Governor and the Legislature; prescribing report requirements; providing an appropriation to implement the database; providing a directive to the Division of Law Revision and Information; creating s. 765.4015, F.S.; providing a short title; creating s. 765.402, F.S.; providing legislative findings; creating s. 765.403, F.S.; defining terms; creating s. 765.405, F.S.; authorizing an adult with capacity to execute a mental health or substance abuse treatment advance directive; providing a presumption of validity if certain requirements are met; specifying provisions that an advance directive may include; creating s. 765.406, F.S.; providing for execution of the mental health or substance abuse treatment advance directive; establishing requirements for a valid mental health or substance abuse treatment advance directive; providing that a mental health or substance abuse treatment advance directive is valid upon execution even if a part of the advance directive takes effect at a later date; allowing a mental health or substance abuse treatment advance directive to be revoked, in whole or in part, or to expire under its own terms; specifying that a mental health or substance abuse treatment advance directive does not or may not serve specified purposes; creating s. 765.407, F.S.; providing circumstances under which a mental health or substance abuse treatment advance directive may be revoked; providing circumstances under which a principal may waive specific directive provisions without revoking the advance directive; creating s. 765.410, F.S.; prohibiting criminal prosecution of a health care facility, provider, or surrogate who acts pursuant to a mental health or substance abuse treatment decision; creating s. 765.411, F.S.; providing for recognition of a mental health and substance abuse treatment advance directive executed in another state if it complies with the laws of this state; creating s. 916.185, F.S.; providing legislative findings and intent; defining terms; creating the Forensic Hospital Diversion Pilot Program; requiring the Department of Children and Families to implement a Forensic Hospital Diversion Pilot Program in five specified judicial circuits; providing eligibility criteria for participation in the pilot program; providing legislative intent concerning the training of judges; authorizing the department to adopt rules; directing the Office of Program Policy Analysis and Government Accountability to submit a report to the Governor and the Legislature; creating s. 944.805, F.S.; defining the terms "department" and "nonviolent offender"; requiring the Department of Corrections to develop and administer a reentry program for nonviolent offenders which is intended to divert nonviolent offenders from long periods of incarceration; requiring that the program include intensive substance abuse treatment and rehabilitation programs; providing for the minimum length of service in the program; providing that any portion of a sentence before placement in the program does not count as progress toward program completion; identifying permissible locations for the operation of a reentry program; specifying eligibility criteria for a nonviolent offender's participation in the reentry program; requiring the department to screen and select eligible offenders for the program based on specified considerations; requiring the department to notify a nonviolent offender's sentencing court to obtain approval before the nonviolent offender is placed in the reentry program; requiring the department to notify the state attorney that an offender is being considered for placement in the program; authorizing the state attorney to file objections to placing the offender in the reentry program within a specified period; authorizing the sentencing court to consider certain factors when deciding whether to approve an offender for placement in a reentry program; requiring the sentencing court to notify the department of the court's decision to approve or disapprove the requested placement within a specified period; requiring a nonviolent offender to undergo an educational assessment and a complete substance abuse assessment if admitted into the reentry program; requiring an offender to be enrolled in an adult education program in specified circumstances; requiring that assessments of vocational skills and future career education be provided

to an offender; requiring that certain reevaluation be made periodically; providing that a participating nonviolent offender is subject to the disciplinary rules of the department; specifying the reasons for which an offender may be terminated from the reentry program; requiring that the department submit a report to the sentencing court at least 30 days before a nonviolent offender is scheduled to complete the reentry program; specifying the issues to be addressed in the report; authorizing a court to schedule a hearing to consider any modification to an imposed sentence; requiring the sentencing court to issue an order modifying the sentence imposed and placing a nonviolent offender on drug offender probation if the nonviolent offender's performance is satisfactory; authorizing the court to revoke probation and impose the original sentence in specified circumstances; authorizing the court to require an offender to complete a postadjudicatory drug court program in specified circumstances; directing the department to implement the reentry program using available resources; authorizing the department to enter into contracts with qualified individuals, agencies, or corporations for services for the reentry program; requiring offenders to abide by department conduct rules; authorizing the department to impose administrative or protective confinement as necessary; providing that the section does not create a right to placement in the reentry program or any right to placement or early release under supervision of any type; providing that the section does not create a cause of action related to the program; authorizing the department to establish a system of incentives within the reentry program which the department may use to promote participation in rehabilitative programs and the orderly operation of institutions and facilities; requiring the department to develop a system for tracking recidivism, including, but not limited to, rearrests and recommitment of nonviolent offenders who successfully complete the reentry program, and to report on recidivism in an annual report; requiring the department to submit an annual report to the Governor and Legislature detailing the extent of implementation of the reentry program, specifying requirements for the report; requiring the department to adopt rules; providing that specified provisions are not severable; amending s. 948.08, F.S.; expanding the definition of the term "veteran" for purposes of eligibility requirements for a pretrial intervention program; amending s. 948.16, F.S.; expanding the definition of the term "veteran" for purposes of eligibility requirements for a misdemeanor pretrial veterans' treatment intervention program; amending s. 948.21, F.S.; authorizing a court to impose certain conditions on certain probationers or community controllees; amending ss. 1002.20 and 1002.33, F.S.; requiring public school and charter school principals or their designees to provide notice of the whereabouts of a student removed from school, school transportation, or a school-sponsored activity for involuntary examination; providing circumstances under which notification may be delayed; requiring district school boards and charter school governing boards to develop notification policies and procedures; amending ss. 39.407, 394.4612, 394.495, 394.496, 394.499, 394.67, 394.674, 394.9085, 397.311, 397.702, 397.94, 402.3057, 409.1757, 409.972, 744.704, and 790.065, F.S.; conforming cross-references; repealing ss. 397.601, 397.675, 397.6751, 397.6752, 397.6758, 397.6759, 397.677, 397.6771, 397.6772, 397.6773, 397.6774, 397.6775, 397.679, 397.6791, 397.6793, 397.6795, 397.6797, 397.6798, 397.6799, 397.681, 397.6811, 397.6814, 397.6815, 397.6818, 397.6819, 397.6821, 397.6822, 397.693, 397.695, 397.6951, 397.6955, 397.6957, 397.697, 397.6971, 397.6975, and 397.6977, F.S.; reenacting ss. 394.4685(1), and 394.469(2), F.S., to incorporate the amendment made to s. 394.4599, F.S., in references thereto; providing effective dates.

—was read the second time by title.

On motion by Senator Lee, further consideration of **CS for CS for SB 7070** was deferred.

On motion by Senator Altman—

CS for SB 7052—A bill to be entitled An act relating to an ad valorem tax exemption for deployed servicemembers; amending s. 196.173, F.S.; expanding the military operations that qualify a servicemember deployed in support of such an operation in the previous calendar year for an additional ad valorem tax exemption; providing an extended deadline and specifying procedures for filing an application for such tax exemption for a qualifying deployment during the 2014 calendar year; providing procedures to appeal a denial by a property appraiser of an application for such tax exemption; providing for retroactive applicability; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 7052** was placed on the calendar of Bills on Third Reading.

CS for SB 1170—A bill to be entitled An act relating to defendants in specialized courts; amending s. 910.035, F.S.; providing a definition; requiring a trial court to transfer certain criminal cases involving participants in specified programs to another jurisdiction having such a program under certain conditions; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for SB 1170**, pursuant to Rule 3.11(3), there being no objection, **CS for CS for HB 1069** was withdrawn from the Committees on Judiciary; Appropriations Subcommittee on Criminal and Civil Justice; and Fiscal Policy.

On motion by Senator Bradley—

CS for CS for HB 1069—A bill to be entitled An act relating to defendants in specialized courts; amending s. 910.035, F.S.; providing a definition; requiring a trial court to transfer certain criminal cases involving participants in specified programs to another jurisdiction having such a program under certain conditions; providing an effective date.

—a companion measure, was substituted for **CS for SB 1170** and read the second time by title.

Pursuant to Rule 4.19, **CS for CS for HB 1069** was placed on the calendar of Bills on Third Reading.

On motion by Senator Altman—

CS for CS for SB 908—A bill to be entitled An act relating to traffic safety; amending s. 316.003, F.S.; providing definitions; amending s. 316.027, F.S.; redefining the term “vulnerable user”; deleting obsolete provisions; amending s. 316.083, F.S.; revising provisions relating to the passing of a vehicle; creating s. 316.0833, F.S.; prohibiting passing and turning in front of a vulnerable user in an unsafe manner; providing penalties; amending s. 316.0875, F.S.; revising exceptions to provisions for designated no-passing zones; amending s. 316.1925, F.S.; revising provisions relating to careless driving; creating s. 318.142, F.S.; providing fines and penalties for specified infractions contributing to bodily injury of a vulnerable user; amending s. 318.19, F.S.; requiring a hearing for specified offenses; amending s. 322.0261, F.S.; conforming a cross-reference; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for CS for SB 908** was placed on the calendar of Bills on Third Reading.

On motion by Senator Montford—

CS for SB 916—A bill to be entitled An act relating to commercial insurer rate filing procedures; amending s. 627.062, F.S.; restricting to certain property rate filings a requirement that the chief executive officer or chief financial officer and chief actuary of a property insurer certify the information contained in a rate filing; amending s. 627.0645, F.S.; exempting commercial nonresidential multiperil insurance from annual base rate filing; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 916** was placed on the calendar of Bills on Third Reading.

On motion by Senator Bullard—

CS for SB 946—A bill to be entitled An act relating to legal holidays and special observances; creating s. 683.095, F.S.; designating the second Monday in October of each year as “Sir Lancelot Jones Day” in Miami-Dade and Monroe Counties; encouraging public officials, schools,

private organizations, and citizens in Miami-Dade and Monroe Counties to commemorate the occasion; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 946** was placed on the calendar of Bills on Third Reading.

On motion by Senator Montford—

CS for SB 574—A bill to be entitled An act relating to electronic auction services; amending s. 1001.42, F.S.; revising the powers and duties of the district school board to authorize the adoption of rules regarding procurement practices; defining the term “electronic auction services”; amending s. 1006.27, F.S.; authorizing a district school board’s use of electronic auction services in conjunction with bid pooling for school buses and related purchases; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 574** was placed on the calendar of Bills on Third Reading.

CS for SB 724—A bill to be entitled An act relating to termination of pregnancies; amending s. 390.0111, F.S.; revising conditions for the voluntary and informed consent to a termination of pregnancy; providing an exception; reenacting s. 390.012(3)(d), F.S., relating to Agency for Health Care Administration rules regarding medical screening and evaluation of abortion clinic patients, to incorporate the amendment made by this act to s. 390.0111, F.S., in a reference thereto; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for SB 724**, pursuant to Rule 3.11(3), there being no objection, **HB 633** was withdrawn from the Committees on Health Policy; Judiciary; and Fiscal Policy.

On motion by Senator Flores—

HB 633—A bill to be entitled An act relating to informed patient consent; amending s. 390.0111, F.S.; revising conditions for the voluntary and informed consent to a termination of pregnancy; reenacting s. 390.012(3)(d), F.S., relating to Agency for Health Care Administration rules regarding medical screening and evaluation of abortion clinic patients, to incorporate the amendment made by this act to s. 390.0111, F.S., in a reference thereto; providing an effective date.

—a companion measure, was substituted for **CS for SB 724** and read the second time by title.

THE PRESIDENT PRESIDING

Senators Sobel and Margolis offered the following amendment which was moved by Senator Margolis and failed:

Amendment 1 (829796) (with title amendment)—Before line 14 insert:

Section 1. Subsection (2) of section 381.0051, Florida Statutes, is amended to read:

381.0051 Family planning.—

(2) ACCESS TO SERVICES; PROHIBITIONS; *INFORMED CONSENT.*—

(a) Except as otherwise provided in this section, no medical agency or institution of this state or unit of local government shall interfere with the right of any patient or physician to use medically acceptable contraceptive procedures, supplies, or information or to restrict the physician-patient relationship.

(b) *Except in the case of a medical emergency, consent to a vasectomy is voluntary and informed only if the physician who is to perform the procedure, or the referring physician, has, at a minimum, orally, while physically present in the same room, and at least 24 hours before the*

procedure informed the man of the nature and risks of undergoing or not undergoing the proposed procedure which a reasonable patient would consider material to making a knowing and willful decision of whether to undergo a vasectomy.

And the title is amended as follows:

Delete line 3 and insert: s. 381.0051, F.S.; providing conditions for the voluntary and informed consent to a vasectomy; amending s. 390.0111, F.S.; revising conditions for the

Senator Sobel moved the following amendment which failed:

Amendment 2 (853480)—Delete lines 22-34 and insert:

(a) Except in the case of a medical emergency, consent to a termination of pregnancy is voluntary and informed only if:

1. The physician who is to perform the procedure, or the referring physician, has, at a minimum, orally or electronically, ~~in person~~, informed the woman of:

a. The nature and risks of undergoing or not undergoing the proposed procedure that a reasonable patient would consider material to making a knowing and willful decision of whether to terminate a pregnancy, at least 24 hours before the procedure.

b. The probable gestational age of the fetus, verified by an ultrasound, at the time the termination of pregnancy is to be performed.

Senator Gibson moved the following amendment which failed:

Amendment 3 (449942) (with title amendment)—Delete line 85 and insert:

incest, domestic violence, or human trafficking. A woman may waive the 24-hour waiting period if she lives 100 miles or more from the nearest abortion provider. If a woman has exercised her right to waive the state-mandated delay, the woman's health care provider is not subject to any criminal, civil, or administrative penalty for failure to secure consent 24 hours in advance of the procedure. The patient's signature noting that she has exercised her right to waive the 24-hour waiting period requirement is sufficient proof of the provider's compliance with the requirements of this subparagraph. This subparagraph does not alter the health care provider's duty to obtain voluntary and informed consent as otherwise required by this section.

And the title is amended as follows:

Delete line 5 and insert: pregnancy; providing an exception; authorizing a woman to waive the 24-hour waiting period requirement under certain circumstances; providing that a health care provider is not subject to penalties under certain circumstances; providing for construction; reenacting s. 390.012(3)(d), F.S., relating

Senator Bullard moved the following amendment which failed:

Amendment 4 (528914) (with title amendment)—Between lines 95 and 96 insert:

d. *An explanation of the medically accurate benefits of the 24-hour waiting period.*

And the title is amended as follows:

Delete line 5 and insert: pregnancy; providing an exception; revising the content of printed materials prepared and provided by the Department of Health to a pregnant woman; reenacting s. 390.012(3)(d), F.S., relating

Senator Sachs moved the following amendment which failed:

Amendment 5 (930638) (with directory and title amendments)—Between lines 103 and 104 insert:

(b) *The physician who is to perform a termination of pregnancy may delegate the acts in sub-subparagraph (a)1.a. to a registered nurse, licensed practical nurse, advanced registered nurse practitioner, or physician assistant.*

And the directory clause is amended as follows:

Delete line 15 and insert: 390.0111, Florida Statutes, is amended, a new paragraph (b) is added to that subsection, and present paragraphs (b) and (c) are redesignated as paragraphs (c) and (d), respectively, to read:

And the title is amended as follows:

Delete line 5 and insert: pregnancy; providing an exception; authorizing a physician to delegate certain informed consent responsibilities to specified health care professionals; reenacting s. 390.012(3)(d), F.S., relating

Pursuant to Rule 7.1(1), there being no objection, consideration of the following late-filed amendment was allowed:

Senator Thompson moved the following amendment which failed:

Amendment 6 (591932)—Delete line 85 and insert: *incest, domestic violence, or human trafficking or when, on the basis of a physician's good faith clinical judgment, there is a risk to the woman's health or the presence of a severe fetal anomaly incompatible with sustainable life.*

Pursuant to Rule 7.1(1), there being no objection, consideration of the following late-filed amendments was allowed:

Senator Clemens moved the following amendments which failed:

Amendment 7 (874120) (with title amendment)—Delete line 85 and insert:

incest, domestic violence, or human trafficking. A woman who states that she is a victim of rape, incest, domestic violence, or human trafficking and is not able to present to the physician a copy of a restraining order, police report, medical record, or other court order or documentation evidencing her statement has a right to waive the 24-hour mandatory waiting period. In the event a woman exercises her right to waive the state-mandated delay, the woman's health care provider is not subject to any criminal, civil, or administrative penalties for failure to secure consent 24 hours in advance of the procedure. A signed acknowledgement from the woman stating that she has exercised her right to waive certain requirements is sufficient proof of provider compliance. This section does not alter the health care provider's duty to obtain voluntary and informed consent as otherwise required by this section.

And the title is amended as follows:

Delete line 5 and insert: pregnancy; providing exceptions; providing that a health care provider is not subject to penalties under certain circumstances; providing that the act does not alter a certain duty of a health care provider; reenacting s. 390.012(3)(d), F.S., relating

Amendment 8 (974400)—Delete line 85 and insert: *incest, domestic violence, or human trafficking. The woman may waive the requirements of this subparagraph if she attests that she is aware of the risk and has had 24 hours to consider her decision to terminate the pregnancy.*

The vote was:

Yeas—15

Abruzzo	Gibson	Sachs
Braynon	Joyner	Smith
Bullard	Margolis	Sobel
Clemens	Montford	Soto
Detert	Ring	Thompson

Nays—23

Mr. President	Evers	Hutson
Altman	Flores	Legg
Bean	Gaetz	Negron
Benacquisto	Galvano	Richter
Bradley	Garcia	Simmons
Brandes	Grimsley	Simpson
Dean	Hays	Stargel
Diaz de la Portilla	Hukill	

Pursuant to Rule 4.19, **HB 633** was placed on the calendar of Bills on Third Reading.

Sachs	Smith	Soto
Simmons	Sobel	Thompson

Consideration of **CS for CS for SB 600** was deferred.

RECESS

The President declared the Senate in recess at 12:03 p.m. to reconvene at 1:15 p.m.

AFTERNOON SESSION

The Senate was called to order by the President at 1:15 p.m. A quorum present—37:

Mr. President	Flores	Margolis
Abruzzo	Gaetz	Montford
Altman	Galvano	Negron
Bean	Garcia	Richter
Benacquisto	Gibson	Ring
Bradley	Grimsley	Sachs
Brandes	Hays	Simmons
Braynon	Hukill	Smith
Bullard	Hutson	Sobel
Clemens	Joyner	Soto
Dean	Latvala	Thompson
Detert	Lee	
Diaz de la Portilla	Legg	

BILLS ON THIRD READING

Consideration of **CS for CS for SB 1446** and **CS for SB 960** was deferred.

The Senate resumed consideration of—

CS for CS for SB 1024—A bill to be entitled An act relating to the Central Florida Expressway Authority; amending s. 348.753, F.S.; requiring the chairs of the boards of specified county commissions each to appoint one member from their respective counties who is a commission member or chair or a county mayor to serve on the governing body of the authority; specifying that the terms of members appointed by the Governor end on a specified date; removing the requirement that the authority elect one of its members as secretary; amending s. 348.754, F.S.; specifying that the Central Florida Expressway Authority is a party to a certain lease-purchase agreement between the department and the Orlando-Orange County Expressway Authority; amending s. 348.757, F.S.; removing the requirement that title in fee simple absolute to the former Orlando-Orange County Expressway System be transferred to the state upon the completion of the faithful performance and termination of a specified lease-purchase agreement; revising the title of part III of ch. 348, F.S.; providing an effective date.

—which was previously considered and amended April 22. Pending **Amendment 2 (621812)** by Senator Simmons was withdrawn.

On motion by Senator Simmons, **CS for CS for SB 1024** as amended was passed, ordered engrossed and certified to the House. The vote on passage was:

Yeas—36

Mr. President	Dean	Hukill
Abruzzo	Detert	Hutson
Altman	Diaz de la Portilla	Joyner
Bean	Flores	Latvala
Benacquisto	Gaetz	Legg
Bradley	Galvano	Margolis
Brandes	Garcia	Montford
Braynon	Gibson	Negron
Bullard	Grimsley	Richter
Clemens	Hays	Ring

Nays—None

Vote after roll call:

Yea—Evers, Simpson, Stargel

CS for CS for SB 998—A bill to be entitled An act relating to alcoholic beverages; creating s. 562.63, F.S.; defining the term “powdered alcohol”; prohibiting the sale, offer for sale, purchase, use, offer for use, or possession of powdered alcohol; providing penalties; providing an exemption for the use of powdered alcohol for specified entities for research purposes; providing an exemption for the possession of powdered alcohol solely for the purpose of transportation through this state by specified entities; providing an expiration date; amending s. 564.05, F.S.; exempting sparkling wine and champagne from a specified volume restriction; amending s. 565.02, F.S.; requiring the calculation of a specified excise tax to be based on the advertised volume per drink; providing applicability; providing an effective date.

—as amended April 14 was read the third time by title.

Senator Margolis moved the following amendment which was adopted by two-thirds vote:

Amendment 1 (207280) (with title amendment)—Delete lines 106-116 and insert:

to this *subsection section*, if such excise tax has not previously been paid, in an amount equal to the tax which would be required to be paid on such sales by a licensed manufacturer or distributor. A vendor holding such permit shall pay the tax monthly to the division at the same time he or she furnishes the required report. Such report shall be filed on or before the 15th day of each month for the sales occurring during the previous calendar month. *The provisions of s. 213.21(7) are applicable for all taxes administered under this subsection.*

And the title is amended as follows:

Delete lines 14-16 and insert: 565.02, F.S.; providing applicability; providing an effective

On motion by Senator Margolis, **CS for CS for SB 998** as amended was passed, ordered engrossed and certified to the House. The vote on passage was:

Yeas—35

Mr. President	Gaetz	Margolis
Abruzzo	Galvano	Montford
Altman	Garcia	Richter
Bean	Gibson	Ring
Benacquisto	Grimsley	Sachs
Bradley	Hays	Simmons
Braynon	Hukill	Smith
Bullard	Hutson	Sobel
Dean	Joyner	Soto
Detert	Latvala	Stargel
Diaz de la Portilla	Lee	Thompson
Flores	Legg	

Nays—2

Brandes Clemens

Vote after roll call:

Yea—Evers, Simpson

Nay—Negron

CS for SB 7068—A bill to be entitled An act relating to mental health and substance abuse services; amending s. 394.455, F.S.; revising the definition of “mental illness” to exclude dementia and traumatic brain

injuries; amending s. 394.492, F.S.; redefining terms; creating s. 394.761, F.S.; requiring the Agency for Health Care Administration and the Department of Children and Families to develop a plan to obtain federal approval for increasing the availability of federal Medicaid funding for behavioral health care; establishing improved integration of behavioral health and primary care services through the development and effective implementation of coordinated care organizations as the primary goal of obtaining the additional funds; requiring the agency and the department to submit the written plan, which must include certain information, to the Legislature by a specified date; requiring the agency to submit an Excellence in Mental Health Act grant application to the United States Department of Health and Human Services; amending s. 394.875, F.S.; requiring that, by a specified date, the department, in consultation with the Agency for Health Care Administration, modify certain licensure rules and procedures; amending s. 394.9082, F.S.; revising legislative findings and intent; redefining terms; requiring the managing entities, rather than the department, to develop and implement a plan with a certain purpose; requiring the regional network to offer access to certain services; requiring the plan to be developed in a certain manner; requiring the department to designate the regional network as a coordinated care organization after certain conditions are met; removing a provision providing legislative intent; requiring the department to contract with community-based managing entities for the development of specified objectives; removing duties of the department, the secretary of the department, and managing entities; removing a provision regarding the requirement of funding the managing entity's contract through departmental funds; removing legislative intent; requiring that the department's contract with each managing entity be performance based; providing for scaled penalties and liquidated damages if a managing entity fails to perform after a reasonable opportunity for corrective action; requiring the plan for the coordination and integration of certain services to be developed in a certain manner and to incorporate certain models; providing requirements for the department when entering into contracts with a managing entity; requiring the department to consider specified factors when considering a new contractor; revising the goals of the coordinated care organization; requiring a coordinated care organization to consist of a comprehensive provider network that includes specified elements; requiring that specified treatment providers be initially included in the provider network; providing for continued participation in the provider network; revising the network management and administrative functions of the managing entities; requiring that the managing entity support network providers in certain ways; authorizing the managing entity to prioritize certain populations when necessary; requiring managing entities to use unique identifiers for individuals receiving behavioral health care services; requiring all providers under contract with a managing entity to use such unique identifiers by a specified date; requiring that, by a certain date, a managing entity's governing board consist of a certain number of members selected by the managing entity in a specified manner; providing requirements for the governing board; removing departmental responsibilities; removing a reporting requirement; authorizing, rather than requiring, the department to adopt rules; creating s. 397.402, F.S.; requiring that the department modify certain licensure rules and procedures by a certain date; requiring the department and the Agency for Health Care Administration to make certain recommendations to the Governor and the Legislature by a specified date; providing requirements for a provider; amending s. 409.967, F.S.; requiring that certain plans or contracts include specified requirements; amending s. 409.973, F.S.; requiring each plan operating in the managed medical assistance program to work with the managing entity to establish specific organizational supports and service protocols; amending s. 409.975, F.S.; revising the categories from which the agency must determine which providers are essential Medicaid providers; repealing s. 394.4674, F.S., relating to a plan and report; repealing s. 394.4985, F.S., relating to districtwide information and referral network and implementation; repealing s. 394.657, F.S., relating to county planning councils or committees; repealing s. 394.745, F.S., relating to an annual report and compliance of providers under contract with the department; repealing s. 397.331, F.S., relating to definitions; repealing s. 397.333, F.S., relating to the Statewide Drug Policy Advisory Council; repealing s. 397.801, F.S., relating to substance abuse impairment coordination; repealing s. 397.811, F.S., relating to juvenile substance abuse impairment coordination; repealing s. 397.821, F.S., relating to juvenile substance abuse impairment prevention and early intervention councils; repealing s. 397.901, F.S., relating to prototype juvenile addictions receiving facilities; repealing s. 397.93, F.S., relating to children's substance abuse services and target populations; repealing s. 397.94, F.S., relating to children's substance abuse services and the

information and referral network; repealing s. 397.951, F.S., relating to treatment and sanctions; repealing s. 397.97, F.S., relating to children's substance abuse services and demonstration models; amending ss. 397.321, 397.98, 409.966, 943.031, and 943.042, F.S.; conforming provisions and cross-references to changes made by the act; reenacting ss. 39.407(6)(a), 394.67(21), 394.674(1)(b), 394.676(1), 409.1676(2)(c), and 409.1677(1)(b), F.S., relating to the term "suitable for residential treatment" or "suitability," the term "residential treatment center for children and adolescents," children's mental health services, the indigent psychiatric medication program, and the term "serious behavioral problems," respectively, to incorporate the amendment made to s. 394.492, F.S., in references thereto; providing effective dates.

—as amended April 14 was read the third time by title.

Pursuant to Rule 7.1(1), there being no objection, consideration of the following late-filed amendment was allowed:

Senator Garcia moved the following amendment:

Amendment 1 (902964) (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. *The Division of Law Revision and Information is directed to rename part IV of chapter 765, Florida Statutes, as "Mental Health and Substance Abuse Advance Directives."*

Section 2. Paragraph (e) is added to subsection (10) of section 29.004, Florida Statutes, to read:

29.004 State courts system.—For purposes of implementing s. 14, Art. V of the State Constitution, the elements of the state courts system to be provided from state revenues appropriated by general law are as follows:

(10) Case management. Case management includes:

(e) *Service referral, coordination, monitoring, and tracking for treatment-based mental health court programs under s. 394.47892.*

Case management may not include costs associated with the application of therapeutic jurisprudence principles by the courts. Case management also may not include case intake and records management conducted by the clerk of court.

Section 3. Subsection (6) of section 39.001, Florida Statutes, is amended to read:

39.001 Purposes and intent; personnel standards and screening.—

(6) **MENTAL HEALTH AND SUBSTANCE ABUSE SERVICES.**—

(a) The Legislature recognizes that early referral and comprehensive treatment can help combat *mental illnesses and substance abuse disorders* in families and that treatment is cost-effective.

(b) The Legislature establishes the following goals for the state related to *mental illness and substance abuse treatment services* in the dependency process:

1. To ensure the safety of children.

2. To prevent and remediate the consequences of *mental illnesses and substance abuse disorders* on families involved in protective supervision or foster care and reduce *the occurrences of mental illnesses and substance abuse disorders*, including alcohol abuse or *related disorders*, for families who are at risk of being involved in protective supervision or foster care.

3. To expedite permanency for children and reunify healthy, intact families, when appropriate.

4. To support families in recovery.

(c) The Legislature finds that children in the care of the state's dependency system need appropriate health care services, that the impact of *mental illnesses and substance abuse disorders* on health indicates the need for health care services to include *treatment for mental health and substance abuse disorders for services to* children and parents where

appropriate, and that it is in the state's best interest that such children be provided the services they need to enable them to become and remain independent of state care. In order to provide these services, the state's dependency system must have the ability to identify and provide appropriate intervention and treatment for children with personal or family-related *mental illness and substance abuse problems*.

(d) It is the intent of the Legislature to encourage the use of the *treatment-based mental health court program model established under s. 394.47892 and the drug court program model established under s. 397.334* and authorize courts to assess children and persons who have custody or are requesting custody of children where good cause is shown to identify and address *mental illnesses and substance abuse disorders* ~~problems~~ as the court deems appropriate at every stage of the dependency process. Participation in treatment, including a *treatment-based mental health court program or a treatment-based drug court program*, may be required by the court following adjudication. Participation in assessment and treatment ~~before~~ ~~prior to~~ adjudication ~~is shall~~ be voluntary, except as provided in s. 39.407(16).

(e) It is therefore the purpose of the Legislature to provide authority for the state to contract with *mental health service providers and community substance abuse treatment providers* for the development and operation of specialized support and overlay services for the dependency system, which will be fully implemented and used as resources permit.

(f) Participation in a *treatment-based mental health court program or a treatment-based drug court program* does not divest any public or private agency of its responsibility for a child or adult, but is intended to enable these agencies to better meet their needs through shared responsibility and resources.

Section 4. Subsection (10) of section 39.507, Florida Statutes, is amended to read:

39.507 Adjudicatory hearings; orders of adjudication.—

(10) After an adjudication of dependency, or a finding of dependency where adjudication is withheld, the court may order a person who has custody or is requesting custody of the child to submit to a *mental health or substance abuse disorder assessment or evaluation*. The assessment or evaluation must be administered by a qualified professional, as defined in s. 397.311. The court may also require such person to participate in and comply with treatment and services identified as necessary, including, when appropriate and available, participation in and compliance with a *treatment-based mental health court program established under s. 394.47892 or a treatment-based drug court program established under s. 397.334*. In addition to supervision by the department, the court, including the *treatment-based mental health court program or treatment-based drug court program*, may oversee the progress and compliance with treatment by a person who has custody or is requesting custody of the child. The court may impose appropriate available sanctions for noncompliance upon a person who has custody or is requesting custody of the child or make a finding of noncompliance for consideration in determining whether an alternative placement of the child is in the child's best interests. Any order entered under this subsection may be made only upon good cause shown. This subsection does not authorize placement of a child with a person seeking custody, other than the parent or legal custodian, who requires *mental health or substance abuse disorder* treatment.

Section 5. Paragraph (b) of subsection (1) of section 39.521, Florida Statutes, is amended to read:

39.521 Disposition hearings; powers of disposition.—

(1) A disposition hearing shall be conducted by the court, if the court finds that the facts alleged in the petition for dependency were proven in the adjudicatory hearing, or if the parents or legal custodians have consented to the finding of dependency or admitted the allegations in the petition, have failed to appear for the arraignment hearing after proper notice, or have not been located despite a diligent search having been conducted.

(b) When any child is adjudicated by a court to be dependent, the court having jurisdiction of the child has the power by order to:

1. Require the parent and, when appropriate, the legal custodian and the child to participate in treatment and services identified as necessary. The court may require the person who has custody or who is requesting custody of the child to submit to a *mental health or substance abuse disorder assessment or evaluation*. The assessment or evaluation must be administered by a qualified professional, as defined in s. 397.311. The court may also require such person to participate in and comply with treatment and services identified as necessary, including, when appropriate and available, participation in and compliance with a *treatment-based mental health court program established under s. 394.47892 or treatment-based drug court program established under s. 397.334*. In addition to supervision by the department, the court, including the *treatment-based mental health court program or treatment-based drug court program*, may oversee the progress and compliance with treatment by a person who has custody or is requesting custody of the child. The court may impose appropriate available sanctions for noncompliance upon a person who has custody or is requesting custody of the child or make a finding of noncompliance for consideration in determining whether an alternative placement of the child is in the child's best interests. Any order entered under this subparagraph may be made only upon good cause shown. This subparagraph does not authorize placement of a child with a person seeking custody of the child, other than the child's parent or legal custodian, who requires *mental health or substance abuse disorder* treatment.

2. Require, if the court deems necessary, the parties to participate in dependency mediation.

3. Require placement of the child either under the protective supervision of an authorized agent of the department in the home of one or both of the child's parents or in the home of a relative of the child or another adult approved by the court, or in the custody of the department. Protective supervision continues until the court terminates it or until the child reaches the age of 18, whichever date is first. Protective supervision shall be terminated by the court whenever the court determines that permanency has been achieved for the child, whether with a parent, another relative, or a legal custodian, and that protective supervision is no longer needed. The termination of supervision may be with or without retaining jurisdiction, at the court's discretion, and shall in either case be considered a permanency option for the child. The order terminating supervision by the department shall set forth the powers of the custodian of the child and shall include the powers ordinarily granted to a guardian of the person of a minor unless otherwise specified. Upon the court's termination of supervision by the department, no further judicial reviews are required, so long as permanency has been established for the child.

Section 6. Subsection (2) and paragraph (a) of subsection (4) of section 381.0056, Florida Statutes, are amended to read:

381.0056 School health services program.—

(2) As used in this section, *the term*:

(a) "Emergency health needs" means onsite *evaluation, management, and aid for illness or injury pending the student's return to the classroom or release to a parent, guardian, designated friend, law enforcement officer, or designated health care provider*.

(b) "Entity" or "health care entity" means a unit of local government or a political subdivision of the state; a hospital licensed under chapter 395; a health maintenance organization certified under chapter 641; a health insurer authorized under the Florida Insurance Code; a community health center; a migrant health center; a federally qualified health center; an organization that meets the requirements for nonprofit status under s. 501(c)(3) of the Internal Revenue Code; a private industry or business; or a philanthropic foundation that agrees to participate in a public-private partnership with a county health department, local school district, or school in the delivery of school health services, and agrees to the terms and conditions for the delivery of such services as required by this section and as documented in the local school health services plan.

(c) "Invasive screening" means any screening procedure in which the skin or any body orifice is penetrated.

(d) "Physical examination" means a thorough evaluation of the health status of an individual.

(e) “School health services plan” means the document that describes the services to be provided, the responsibility for provision of the services, the anticipated expenditures to provide the services, and evidence of cooperative planning by local school districts and county health departments.

(f) “Screening” means presumptive identification of unknown or unrecognized diseases or defects by the application of tests that can be given with ease and rapidity to apparently healthy persons.

(4)(a) Each county health department shall develop, jointly with the district school board and the local school health advisory committee, a school health services plan, ~~and~~ The plan must include, at a minimum, provisions for *all of the following*:

1. Health appraisal;
2. Records review;
3. Nurse assessment;
4. Nutrition assessment;
5. A preventive dental program;
6. Vision screening;
7. Hearing screening;
8. Scoliosis screening;
9. Growth and development screening;
10. Health counseling;
11. Referral and followup of suspected or confirmed health problems by the local county health department;
12. Meeting emergency health needs in each school;
13. County health department personnel to assist school personnel in health education curriculum development;
14. Referral of students to appropriate health treatment, in cooperation with the private health community whenever possible;
15. Consultation with a student’s parent or guardian regarding the need for health attention by the family physician, dentist, or other specialist when definitive diagnosis or treatment is indicated;
16. Maintenance of records on incidents of health problems, corrective measures taken, and such other information as may be needed to plan and evaluate health programs; except, however, that provisions in the plan for maintenance of health records of individual students must be in accordance with s. 1002.22;
17. Health information which will be provided by the school health nurses, when necessary, regarding the placement of students in exceptional student programs and the reevaluation at periodic intervals of students placed in such programs; ~~and~~
18. Notification to the local nonpublic schools of the school health services program and the opportunity for representatives of the local nonpublic schools to participate in the development of the cooperative health services plan; *and*-

19. *Immediate notification to a student’s parent, guardian, or caregiver if the student is removed from school, school transportation, or a school-sponsored activity and taken to a receiving facility for an involuntary examination pursuant to s. 394.463, including any requirements established under ss. 1002.20(3) and 1002.33(9), as applicable.*

Section 7. Section 394.453, Florida Statutes, is amended to read:

394.453 Legislative intent.—It is the intent of the Legislature to authorize and direct the Department of Children and Families to evaluate, research, plan, and recommend to the Governor and the Legislature programs designed to reduce the occurrence, severity, duration, and disabling aspects of mental, emotional, and behavioral disorders *and substance abuse impairment*. It is the intent of the Legislature that

treatment programs for such disorders shall include, but not be limited to, comprehensive health, social, educational, and rehabilitative services ~~for individuals to persons~~ requiring intensive short-term and continued treatment in order to encourage them to assume responsibility for their treatment and recovery. It is intended that such ~~individuals persons~~ be provided with emergency service and temporary detention for evaluation ~~if when~~ required; that they be admitted to treatment facilities ~~if on a voluntary basis when~~ extended or continuing care is needed and unavailable in the community; that involuntary placement be provided only ~~if when~~ expert evaluation determines that it is necessary; that any involuntary treatment or examination be accomplished in a setting that ~~which~~ is clinically appropriate and most likely to facilitate the ~~individual’s person’s~~ return to the community as soon as possible; and that ~~individual~~ dignity and human rights be guaranteed to all ~~individuals persons~~ who are admitted to mental health *and substance abuse treatment* facilities or who are being held under s. 394.463. It is the further intent of the Legislature that the least restrictive means of intervention be employed based on the ~~individual’s individual~~ needs of ~~each person~~, within the scope of available services. It is the policy of this state that the use of restraint and seclusion ~~on clients~~ is justified only as an emergency safety measure to be used in response to imminent danger to the ~~individual client~~ or others. It is, therefore, the intent of the Legislature to achieve an ongoing reduction in the use of restraint and seclusion in programs and facilities serving ~~individuals persons~~ with mental illness *or with a substance abuse impairment*.

Section 8. Effective July 1, 2016, section 394.455, Florida Statutes, is reordered and amended to read:

394.455 Definitions.—As used in this part, unless the context clearly requires otherwise, the term:

(1) *“Addictions receiving facility” means a secure, acute care facility that, at a minimum, provides detoxification and stabilization services; is operated 24 hours per day, 7 days a week; and is designated by the department to serve individuals found to have substance abuse impairment as defined in subsection (44) who qualify for services under this section.*

(2)(1) *“Administrator” means the chief administrative officer of a receiving or treatment facility or his or her designee.*

(3) *“Adult” means an individual who is 18 years of age or older, or who has had the disability of nonage removed pursuant to s. 743.01 or s. 743.015.*

(4) *“Advanced registered nurse practitioner” means any person licensed in this state to practice professional nursing who is certified in advanced or specialized nursing practice under s. 464.012.*

(3)(2) *“Clinical Psychologist” means a psychologist as defined in s. 490.003(7) with 2 years of postdoctoral experience in the practice of clinical psychology, inclusive of the experience required for licensure, or a psychologist employed by a facility operated by the United States Department of Veterans Affairs that qualifies as a receiving or treatment facility under this part.*

(5)(3) *“Clinical record” means all parts of the record required to be maintained and includes all medical records, progress notes, charts, and admission and discharge data, and all other information recorded by a facility staff which pertains to an individual’s ~~the patient’s~~ hospitalization or treatment.*

(6)(4) *“Clinical social worker” means a person licensed as a clinical social worker under s. 491.005 or s. 491.006 or a person employed as a clinical social worker by a facility operated by the United States Department of Veterans Affairs or the United States Department of Defense under chapter 491.*

(7)(5) *“Community facility” means a ~~any~~ community service provider contracting with the department to furnish substance abuse or mental health services under part IV of this chapter.*

(8)(6) *“Community mental health center or clinic” means a publicly funded, not-for-profit center that ~~which~~ contracts with the department for the provision of inpatient, outpatient, day treatment, or emergency services.*

(9)(7) *“Court,” unless otherwise specified, means the circuit court.*

(10)(8) "Department" means the Department of Children and Families.

(11) "Detoxification facility" means a facility licensed to provide detoxification services under chapter 397.

(12) "Electronic means" means a form of telecommunication that requires all parties to maintain visual as well as audio communication.

(13)(9) "Express and informed consent" means consent voluntarily given in writing, by a competent individual person, after sufficient explanation and disclosure of the subject matter involved to enable the individual person to make a knowing and willful decision without any element of force, fraud, deceit, duress, or other form of constraint or coercion.

(14)(10) "Facility" means any hospital, community facility, public or private facility, or receiving or treatment facility providing for the evaluation, diagnosis, care, treatment, training, or hospitalization of individuals persons who appear to have a mental illness or who have been diagnosed as having a mental illness or substance abuse impairment. The term "Facility" does not include a any program or entity licensed under pursuant to chapter 400 or chapter 429.

(15) "Governmental facility" means a facility owned, operated, or administered by the Department of Corrections or the United States Department of Veterans Affairs.

(16)(11) "Guardian" means the natural guardian of a minor, or a person appointed by a court to act on behalf of a ward's person if the ward is a minor or has been adjudicated incapacitated.

(17)(12) "Guardian advocate" means a person appointed by a court to make decisions regarding mental health or substance abuse treatment on behalf of an individual a patient who has been found incompetent to consent to treatment pursuant to this part. The guardian advocate may be granted specific additional powers by written order of the court, as provided in this part.

(18)(13) "Hospital" means a hospital facility as defined in s. 395.002 and licensed under chapter 395 and part II of chapter 408.

(19)(14) "Incapacitated" means that an individual a person has been adjudicated incapacitated pursuant to part V of chapter 744 and a guardian of the person has been appointed.

(20)(15) "Incompetent to consent to treatment" means that an individual's a person's judgment is so affected by a his or her mental illness, a substance abuse impairment, or other medical or organic cause that he or she the person lacks the capacity to make a well-reasoned, willful, and knowing decision concerning his or her medical, or mental health, or substance abuse treatment.

(21) "Involuntary examination" means an examination performed under s. 394.463 to determine whether an individual qualifies for involuntary outpatient placement under s. 394.4655 or involuntary inpatient placement under s. 394.467.

(22) "Involuntary placement" means involuntary outpatient placement under s. 394.4655 or involuntary inpatient placement in a receiving or treatment facility under s. 394.467.

(23)(16) "Law enforcement officer" means a law enforcement officer as defined in s. 943.10.

(24) "Marriage and family therapist" means a person licensed to practice marriage and family therapy under s. 491.005 or s. 491.006 or a person employed as a marriage and family therapist by a facility operated by the United States Department of Veterans Affairs or the United States Department of Defense.

(25) "Mental health counselor" means a person licensed to practice mental health counseling under s. 491.005 or s. 491.006 or a person employed as a mental health counselor by a facility operated by the United States Department of Veterans Affairs or the United States Department of Defense.

(26)(17) "Mental health overlay program" means a mobile service that which provides an independent examination for voluntary admis-

sion admissions and a range of supplemental onsite services to an individual who has persons with a mental illness in a residential setting such as a nursing home, assisted living facility, adult family-care home, or nonresidential setting such as an adult day care center. Independent examinations provided pursuant to this part through a mental health overlay program must only be provided only under contract with the department for this service or must be attached to a public receiving facility that is also a community mental health center.

(28)(18) "Mental illness" means an impairment of the mental or emotional processes that exercise conscious control of one's actions or of the ability to perceive or understand reality, which impairment substantially interferes with the individual's person's ability to meet the ordinary demands of living. For the purposes of this part, the term does not include a developmental disability as defined in chapter 393, intoxication, or conditions manifested only by antisocial behavior or substance abuse impairment.

(29) "Minor" means an individual who is 17 years of age or younger and who has not had the disabilities of nonage removed pursuant to s. 743.01 or s. 743.015.

(30)(19) "Mobile crisis response service" means a nonresidential crisis service attached to a public receiving facility and available 24 hours a day, 7 days a week, through which provides immediate intensive assessments and interventions, including screening for admission into a mental health receiving facility, an addictions receiving facility, or a detoxification facility, take place for the purpose of identifying appropriate treatment services.

(20) "Patient" means any person who is held or accepted for mental health treatment.

(31)(21) "Physician" means a medical practitioner licensed under chapter 458 or chapter 459 who has experience in the diagnosis and treatment of mental and nervous disorders or a physician employed by a facility operated by the United States Department of Veterans Affairs or the United States Department of Defense which qualifies as a receiving or treatment facility under this part.

(32) "Physician assistant" means a person licensed under chapter 458 or chapter 459 who has experience in the diagnosis and treatment of mental disorders or a person employed as a physician assistant by a facility operated by the United States Department of Veterans Affairs or the United States Department of Defense.

(33)(22) "Private facility" means any hospital or facility operated by a for-profit or not-for-profit corporation or association that provides mental health or substance abuse services and is not a public facility.

(34)(23) "Psychiatric nurse" means an advanced a registered nurse practitioner certified under s. 464.012 licensed under part I of chapter 464 who has a master's or doctoral degree or a doctorate in psychiatric nursing, holds a national advanced practice certification as a psychiatric-mental health advanced practice nurse, and has 2 years of post-master's clinical experience under the supervision of a physician, or a person employed as a psychiatric nurse by a facility operated by the United States Department of Veterans Affairs or the United States Department of Defense.

(35)(24) "Psychiatrist" means a medical practitioner licensed under chapter 458 or chapter 459 who has primarily diagnosed and treated mental and nervous disorders for at least a period of not less than 3 years, inclusive of psychiatric residency, or a person employed as a psychiatrist by a facility operated by the United States Department of Veterans Affairs or the United States Department of Defense.

(37)(25) "Public facility" means any facility that has contracted with the department to provide mental health or substance abuse services to all individuals persons, regardless of their ability to pay, and is receiving state funds for such purpose.

(27)(26) "Mental health receiving facility" means any public or private facility designated by the department to receive and hold individuals in involuntary status involuntary patients under emergency conditions or for psychiatric evaluation and to provide short-term treatment. The term does not include a county jail.

(38)(27) “Representative” means a person selected pursuant to s. 394.4597(2) to receive notice of proceedings during the time a patient is held in or admitted to a receiving or treatment facility.

(39)(28)(a) “Restraint” means a physical device, method, or drug used to control behavior.

(a) A physical restraint is any manual method or physical or mechanical device, material, or equipment attached or adjacent to an the individual’s body so that he or she cannot easily remove the restraint and which restricts freedom of movement or normal access to one’s body.

(b) A drug used as a restraint is a medication used to control an individual’s the person’s behavior or to restrict his or her freedom of movement and is not part of the standard treatment regimen for an individual having of a person with a diagnosed mental illness who is a client of the department. Physically holding an individual a person during a procedure to forcibly administer psychotropic medication is a physical restraint.

(c) Restraint does not include physical devices, such as orthopedically prescribed appliances, surgical dressings and bandages, supportive body bands, or other physical holding when necessary for routine physical examinations and tests; or for purposes of orthopedic, surgical, or other similar medical treatment; when used to provide support for the achievement of functional body position or proper balance; or when used to protect an individual a person from falling out of bed.

(40) “School psychologist” has the same meaning as defined in s. 490.003.

(41)(29) “Seclusion” means the physical segregation of a person in any fashion or involuntary isolation of an individual a person in a room or area from which the individual person is prevented from leaving. The prevention may be by physical barrier or by a staff member who is acting in a manner, or who is physically situated, so as to prevent the individual person from leaving the room or area. For purposes of this chapter, the term does not mean isolation due to an individual’s a person’s medical condition or symptoms.

(42)(30) “Secretary” means the Secretary of Children and Families.

(43) “Service provider” means a mental health receiving facility, any facility licensed under chapter 397, a treatment facility, an entity under contract with the department to provide mental health or substance abuse services, a community mental health center or clinic, a psychologist, a clinical social worker, a marriage and family therapist, a mental health counselor, a physician, a psychiatrist, an advanced registered nurse practitioner, or a psychiatric nurse.

(44) “Substance abuse impairment” means a condition involving the use of alcoholic beverages or any psychoactive or mood-altering substance in such a manner as to induce mental, emotional, or physical problems and cause socially dysfunctional behavior.

(45) “Substance abuse qualified professional” has the same meaning as the term “qualified professional” as defined in s. 397.311.

(46)(31) “Transfer evaluation” means the process, as approved by the appropriate district office of the department, in which an individual whereby a person who is being considered for placement in a state treatment facility is first evaluated for appropriateness of admission to a treatment the facility. The transfer evaluation shall be conducted by the department, by a community-based public receiving facility, or by another service provider as authorized by the department, or by a community mental health center or clinic if the public receiving facility is not a community mental health center or clinic.

(47)(32) “Treatment facility” means a any state-owned, state-operated, or state-supported hospital, center, or clinic designated by the department for extended treatment and hospitalization of individuals who have a mental illness, beyond that provided for by a receiving facility or a of persons who have a mental illness, including facilities of the United States Government, and any private facility designated by the department when rendering such services to a person pursuant to the provisions of this part. Patients treated in facilities of the United States Government shall be solely those whose care is the responsibility of the United States Department of Veterans Affairs.

(33) “Service provider” means any public or private receiving facility, an entity under contract with the Department of Children and Families to provide mental health services, a clinical psychologist, a clinical social worker, a marriage and family therapist, a mental health counselor, a physician, a psychiatric nurse as defined in subsection (23), or a community mental health center or clinic as defined in this part.

(34) “Involuntary examination” means an examination performed under s. 394.463 to determine if an individual qualifies for involuntary inpatient treatment under s. 394.467(1) or involuntary outpatient treatment under s. 394.4655(1).

(35) “Involuntary placement” means either involuntary outpatient treatment pursuant to s. 394.4655 or involuntary inpatient treatment pursuant to s. 394.467.

(36) “Marriage and family therapist” means a person licensed as a marriage and family therapist under chapter 491.

(37) “Mental health counselor” means a person licensed as a mental health counselor under chapter 491.

(38) “Electronic means” means a form of telecommunication that requires all parties to maintain visual as well as audio communication.

Section 9. Effective July 1, 2016, section 394.457, Florida Statutes, is amended to read:

394.457 Operation and administration.—

(1) ADMINISTRATION.—The Department of Children and Families is designated the “Mental Health Authority” of Florida. The department and the Agency for Health Care Administration shall exercise executive and administrative supervision over all mental health facilities, programs, and services.

(2) RESPONSIBILITIES OF THE DEPARTMENT.—The department is responsible for:

(a) The planning, evaluation, and implementation of a complete and comprehensive statewide program of mental health and substance abuse program, including community services, receiving and treatment facilities, child services, research, and training as authorized and approved by the Legislature, based on the annual program budget of the department. The department is also responsible for the coordination of efforts with other departments and divisions of the state government, county and municipal governments, and private agencies concerned with and providing mental health and substance abuse services. It is responsible for establishing standards, providing technical assistance, and supervising exercising supervision of mental health and substance abuse programs of, and the treatment of individuals patients at, community facilities, other facilities serving individuals for persons who have a mental illness or substance abuse impairment, and any agency or facility providing services under to patients pursuant to this part.

(b) The publication and distribution of an information handbook to facilitate understanding of this part, the policies and procedures involved in the implementation of this part, and the responsibilities of the various providers of services under this part. It shall stimulate research by public and private agencies, institutions of higher learning, and hospitals in the interest of the elimination and amelioration of mental illness.

(3) POWER TO CONTRACT.—The department may contract to provide, and be provided with, services and facilities in order to carry out its responsibilities under this part with the following agencies: public and private hospitals; receiving and treatment facilities; clinics; laboratories; departments, divisions, and other units of state government; the state colleges and universities; the community colleges; private colleges and universities; counties, municipalities, and any other governmental unit, including facilities of the United States Government; and any other public or private entity which provides or needs facilities or services. Baker Act funds for community inpatient, crisis stabilization, short-term residential treatment, and screening services must be allocated to each county pursuant to the department’s funding allocation methodology. Notwithstanding s. 287.057(3)(e), contracts for community-based Baker Act services for inpatient, crisis stabilization, short-term residential treatment, and screening provided under this part, other than those with other units of government, to be provided for the

department must be awarded using competitive sealed bids if the county commission of the county receiving the services makes a request to the department's district office by January 15 of the contracting year. The district may not enter into a competitively bid contract under this provision if such action will result in increases of state or local expenditures for Baker Act services within the district. Contracts for these Baker Act services using competitive sealed bids are effective for 3 years. The department shall adopt rules establishing minimum standards for such contracted services and facilities and shall make periodic audits and inspections to assure that the contracted services are provided and meet the standards of the department.

(4) APPLICATION FOR AND ACCEPTANCE OF GIFTS AND GRANTS.—The department may apply for and accept any funds, grants, gifts, or services made available to it by any agency or department of the Federal Government or any other public or private agency or ~~person~~ ~~individual~~ in aid of mental health and substance abuse programs. All such moneys ~~must~~ ~~shall~~ be deposited in the State Treasury and ~~shall~~ be disbursed as provided by law.

(5) RULES.—~~The department shall adopt rules:~~

(a) ~~Establishing~~ ~~The department shall adopt rules~~ ~~establishing~~ forms and procedures relating to the rights and privileges of ~~individuals being examined or treated at~~ ~~patients seeking mental health treatment from~~ facilities under this part.

(b) ~~The department shall adopt rules~~ Necessary for the implementation and administration of the provisions of this part, ~~and~~ A program subject to the provisions of this part ~~may~~ ~~shall~~ not be permitted to operate unless rules designed to ensure the protection of the health, safety, and welfare of the ~~individuals examined and~~ ~~patients treated~~ under through such program have been adopted. ~~Such rules adopted under this subsection~~ must include provisions governing the use of restraint and seclusion which are consistent with recognized best practices and professional judgment; prohibit inherently dangerous restraint or seclusion procedures; establish limitations on the use and duration of restraint and seclusion; establish measures to ensure the safety of program participants and staff during an incident of restraint or seclusion; establish procedures for staff to follow before, during, and after incidents of restraint or seclusion; establish professional qualifications of and training for staff who may order or be engaged in the use of restraint or seclusion; and establish mandatory reporting, data collection, and data dissemination procedures and requirements. ~~Such rules adopted under this subsection~~ must require that each instance of the use of restraint or seclusion be documented in the *clinical* record of the *individual who has been restrained or secluded* ~~patient~~.

(c) ~~Establishing~~ ~~The department shall adopt rules~~ ~~establishing~~ minimum standards for services provided by a mental health overlay program or a mobile crisis response service.

(6) PERSONNEL.—

(a) ~~The department shall, by rule, establish minimum standards of education and experience for professional and technical personnel employed in mental health programs, including members of a mobile crisis response service.~~

(b) ~~The department shall design and distribute appropriate materials for the orientation and training of persons actively engaged in implementing the provisions of this part relating to the involuntary examination and placement of persons who are believed to have a mental illness.~~

(6)(7) PAYMENT FOR CARE OF PATIENTS.—Fees and fee collections for patients in state-owned, state-operated, or state-supported treatment facilities shall be according to s. 402.33.

Section 10. Section 394.4573, Florida Statutes, is amended to read:

394.4573 Continuity of care management system; measures of performance; reports.—

(1) For the purposes of this section, *the term*:

(a) “Case management” means those activities aimed at assessing ~~client~~ needs, planning services, linking the service system to a ~~client~~,

coordinating the various system components, monitoring service delivery, and evaluating the effect of service delivery.

(b) “Case manager” means ~~a person~~ ~~an individual~~ who works with clients; and their families and significant others; to provide case management.

(c) “Client manager” means an employee of the department who is assigned to specific provider agencies and geographic areas to ensure that the full range of needed services is available to clients.

(d) ~~“Continuity of care management system” means a system that assures, within available resources, that clients have access to the full array of services within the mental health services delivery system.~~

(2) The department ~~shall ensure the establishment of~~ ~~is directed to~~ ~~implement~~ a continuity of care management system for the provision of mental health and substance abuse care in compliance with s. 394.9082, through the provision of client and case management, including clients referred from state treatment facilities to community mental health facilities. Such system shall include a network of client managers and case managers throughout the state designed to:

(a) ~~Reduce the possibility of a client's admission or readmission to a state treatment facility.~~

(b) ~~Provide for the creation or designation of an agency in each county to provide single intake services for each person seeking mental health services. Such agency shall provide information and referral services necessary to ensure that clients receive the most appropriate and least restrictive form of care, based on the individual needs of the person seeking treatment. Such agency shall have a single telephone number, operating 24 hours per day, 7 days per week, where practicable, at a central location, where each client will have a central record.~~

(c) ~~Advocate on behalf of the client to ensure that all appropriate services are afforded to the client in a timely and dignified manner.~~

(d) ~~Require that any public receiving facility initiating a patient transfer to a licensed hospital for acute care mental health services not accessible through the public receiving facility shall notify the hospital of such transfer and send all records relating to the emergency psychiatric or medical condition.~~

(3) ~~The department is directed to develop and include in contracts with service providers measures of performance with regard to goals and objectives as specified in the state plan. Such measures shall use, to the extent practical, existing data collection methods and reports and shall not require, as a result of this subsection, additional reports on the part of service providers. The department shall plan monitoring visits of community mental health facilities with other state, federal, and local governmental and private agencies charged with monitoring such facilities.~~

Section 11. Effective July 1, 2016, section 394.459, Florida Statutes, is amended to read:

394.459 Rights of *individuals receiving treatment and services* ~~patients~~.—

(1) RIGHT TO INDIVIDUAL DIGNITY.—It is the policy of this state that the individual dignity of *all individuals held for examination or admitted for mental health or substance abuse treatment* ~~the patient~~ shall be respected at all times and upon all occasions, including ~~any occasion~~ when the *individual patient* is taken into custody, held, or transported. Procedures, facilities, vehicles, and restraining devices ~~used~~ ~~utilized~~ for criminals or those accused of a crime ~~may~~ ~~shall~~ not be used in connection with *individuals persons* who have a mental illness or substance abuse impairment, except for the protection of *that individual the patient* or others. *An individual Persons* who ~~has~~ ~~have~~ a mental illness but who ~~has~~ ~~are~~ not been charged with a criminal offense ~~may~~ ~~shall~~ not be detained or incarcerated in the jails of this state. *An individual A person* who is receiving treatment for mental illness or substance abuse ~~may~~ ~~shall~~ not be deprived of *his or her* ~~any~~ constitutional rights. However, if such *individual a person* is adjudicated incapacitated, his or her rights may be limited to the same extent ~~that~~ the rights of any incapacitated *individual person* are limited by law.

(2) **PROTECTIVE CUSTODY WITHOUT CONSENT FOR SUBSTANCE ABUSE IMPAIRMENT.**—*An individual who has a substance abuse impairment but who has not been charged with a criminal offense may be placed in protective custody without his or her consent, subject to the limitations specified in this subsection. If it has been determined that a hospital, an addictions receiving facility, or a licensed detoxification facility is the most appropriate placement for the individual, law enforcement may implement protective custody measures as specified in this subsection.*

(a) *An individual meets the criteria for placement in protective custody if there is a good faith reason to believe that the individual is impaired by substance abuse, has lost the power of self-control with respect to substance use because of such impairment, and:*

1. *Has inflicted, has threatened or attempted to inflict, or is likely, if not admitted, to inflict, physical harm on himself or herself or another; or*

2. *Is in need of substance abuse services and, by reason of substance abuse impairment, is incapacitated and unable to make a rational decision with regard to such services. However, mere refusal to seek or obtain such services does not constitute evidence of lack of judgment with respect to his or her need for such services.*

(b) *If an individual who is in circumstances that justify protective custody as described in paragraph (a) fails or refuses to consent to assistance and a law enforcement officer has determined that a hospital, an addictions receiving facility, or a licensed detoxification facility is the most appropriate treatment facility for such individual, the officer may, after giving due consideration to the expressed wishes of the individual:*

1. *Take the individual to a hospital, an addictions receiving facility, or a licensed detoxification facility against the individual's will but without using unreasonable force; or*

2. *In the case of an adult, detain the individual for his or her own protection in any municipal or county jail or other appropriate detention facility.*

Detention under this paragraph is not to be considered an arrest for any purpose, and an entry or other record may not be made to indicate that the individual has been detained or charged with any crime. The officer in charge of the detention facility must notify the nearest appropriate licensed service provider within 8 hours after detention that the individual has been detained. The detention facility must arrange, as necessary, for transportation of the individual to an appropriate licensed service provider with an available bed. Individuals detained under this paragraph must be assessed by an attending physician without unnecessary delay and within a 72-hour period to determine the need for further services.

(c) *The nearest relative of a minor in protective custody must be notified by the law enforcement officer, as must the nearest relative of an adult, unless the adult requests that there be no notification.*

(d) *An individual who is in protective custody must be released by a qualified professional when any of the following circumstances occur:*

1. *The individual no longer meets the protective custody criteria set out in paragraph (a);*

2. *A 72-hour period has elapsed since the individual was taken into custody; or*

3. *The individual has consented voluntarily to readmission at the facility of the licensed service provider.*

(e) *An individual may be detained in protective custody beyond the 72-hour period if a petitioner has initiated proceedings for involuntary assessment or treatment. The timely filing of the petition authorizes the service provider to retain physical custody of the individual pending further order of the court.*

(3)(2) **RIGHT TO TREATMENT.**—*An individual held for examination or admitted for mental illness or substance abuse treatment:*

(a) *May not be denied treatment for mental illness or substance abuse impairment, and services may not be delayed at a mental health receiving facility, addictions receiving facility, detoxification facility, or treatment facility because of inability to pay. However,*

every reasonable effort to collect appropriate reimbursement for the cost of providing mental health or substance abuse services from individuals to persons able to pay for services, including insurance or third-party payments by third-party payers, shall be made by facilities providing services under pursuant to this part.

(b) *Shall be provided. It is further the policy of the state that the least restrictive appropriate, available treatment, which must be utilized based on the individual's individual needs and best interests of the patient and consistent with the optimum improvement of the individual's patient's condition.*

(c) *Shall. Each person who remains at a receiving or treatment facility for more than 12 hours shall be given a physical examination by a health practitioner authorized by law to give such examinations; and a mental health or substance abuse evaluation, as appropriate, by a psychiatrist, psychologist, psychiatric nurse, or qualified substance abuse professional within 24 hours after arrival at such facility if the individual has not been released or discharged pursuant to s. 394.463(2)(h) or s. 394.469. The physical examination and mental health evaluation must be documented in the clinical record. The physical and mental health examinations shall include efforts to identify indicators of substance abuse impairment, substance abuse intoxication, and substance abuse withdrawal.*

(d) *Shall. Every patient in a facility shall be afforded the opportunity to participate in activities designed to enhance self-image and the beneficial effects of other treatments, as determined by the facility.*

(e) *Shall, not more than 5 days after admission to a facility, each patient shall have and receive an individualized treatment plan in writing, which the individual patient has had an opportunity to assist in preparing and to review before prior to its implementation. The plan must shall include a space for the individual's patient's comments and signature.*

(4)(3) **RIGHT TO EXPRESS AND INFORMED PATIENT CONSENT.**—

(a) ~~1.~~ *Each individual patient entering treatment shall be asked to give express and informed consent for admission or treatment.*

(a) *If the individual patient has been adjudicated incapacitated or found to be incompetent to consent to treatment, express and informed consent must to treatment shall be sought from his or her instead from the patient's guardian, or guardian advocate, or health care surrogate or proxy. If the individual patient is a minor, express and informed consent for admission or treatment must be obtained shall also be requested from the patient's guardian. Express and informed consent for admission or treatment of a patient under 18 years of age shall be required from the minor's patient's guardian, unless the minor is seeking outpatient crisis intervention services under s. 394.4784. Express and informed consent for admission or treatment given by a patient who is under 18 years of age shall not be a condition of admission when the patient's guardian gives express and informed consent for the patient's admission pursuant to s. 394.463 or s. 394.467.*

(b) ~~2.~~ *Before giving express and informed consent, the following information shall be provided and explained in plain language to the individual and patient, or to his or her the patient's guardian if the individual patient is an adult 18 years of age or older and has been adjudicated incapacitated, or to his or her the patient's guardian advocate if the individual patient has been found to be incompetent to consent to treatment, to the health care surrogate or proxy, or to both the individual patient and the guardian if the individual patient is a minor: the reason for admission or treatment; the proposed treatment and; the purpose of such the treatment to be provided; the common risks, benefits, and side effects of the proposed treatment thereof; the specific dosage range of for the medication, if when applicable; alternative treatment modalities; the approximate length of care; the potential effects of stopping treatment; how treatment will be monitored; and that any consent given for treatment may be revoked orally or in writing before or during the treatment period by the individual receiving the treatment patient or by a person who is legally authorized to make health care decisions on the individual's behalf of the patient.*

(b) ~~In the case of medical procedures requiring the use of a general anesthetic or electroconvulsive treatment, and prior to performing the~~

~~procedure, express and informed consent shall be obtained from the patient if the patient is legally competent, from the guardian of a minor patient, from the guardian of a patient who has been adjudicated incapacitated, or from the guardian advocate of the patient if the guardian advocate has been given express court authority to consent to medical procedures or electroconvulsive treatment as provided under s. 394.4598.~~

(c) When the department is the legal guardian of a patient, or is the custodian of a patient whose physician is unwilling to perform a medical procedure, including an electroconvulsive treatment, based solely on the patient's consent and whose guardian or guardian advocate is unknown or unlocatable, the court shall hold a hearing to determine the medical necessity of the medical procedure. The patient shall be physically present, unless the patient's medical condition precludes such presence, represented by counsel, and provided the right and opportunity to be confronted with, and to cross-examine, all witnesses alleging the medical necessity of such procedure. In such proceedings, the burden of proof by clear and convincing evidence shall be on the party alleging the medical necessity of the procedure.

(d) The administrator of a receiving or treatment facility may, upon the recommendation of the patient's attending physician, authorize emergency medical treatment, including a surgical procedure, if such treatment is deemed lifesaving, or if the situation threatens serious bodily harm to the patient, and permission of the patient or the patient's guardian or guardian advocate cannot be obtained.

~~(5)(4)~~ QUALITY OF TREATMENT.—

(a) ~~Each individual patient shall receive services, including, for a patient placed under s. 394.4655 shall receive, those services that are included in the court order which are suited to his or her needs, and which shall be administered skillfully, safely, and humanely with full respect for the individual's patient's dignity and personal integrity. Each individual patient shall receive such medical, vocational, social, educational, substance abuse, and rehabilitative services as his or her condition requires in order to live successfully in the community. In order to achieve this goal, the department shall be directed to coordinate its mental health and substance abuse programs with all other programs of the department and other state agencies.~~

(b) Facilities shall develop and maintain, in a form that is accessible to and readily understandable by individuals held for examination or admitted for mental health or substance abuse treatment patients and consistent with rules adopted by the department, the following:

1. Criteria, procedures, and required staff training for the any use of close or elevated levels of supervision, of restraint, seclusion, or isolation, or of emergency treatment orders, and for the use of bodily control and physical management techniques.

2. Procedures for documenting, monitoring, and requiring clinical review of all uses of the procedures described in subparagraph 1. and for documenting and requiring review of any incidents resulting in injury to individuals receiving services patients.

3. A system for investigating, tracking, managing, and responding to complaints by individuals persons receiving services or persons individuals acting on their behalf.

(c) Facilities shall have written procedures for reporting events that place individuals receiving services at risk of harm. Such events must be reported to the managing entity in the facility's region and the department as soon as reasonably possible after discovery and include, but are not limited to:

1. The death, regardless of cause or manner, of an individual examined or treated at a facility that occurs while the individual is at the facility or that occurs within 72 hours after release, if the death is known to the facility administrator.

2. An injury sustained, or allegedly sustained, at a facility, by an individual examined or treated at the facility and caused by an accident, assault, act of abuse, neglect, or suicide attempt, or a self-inflicted injury, if the injury requires medical treatment by a licensed health care practitioner in an acute care medical facility.

3. The unauthorized departure or absence of an individual from a facility in which he or she has been held for involuntary examination or involuntary placement.

4. A disaster or crisis situation such as a tornado, hurricane, kidnapping, riot, or hostage situation that jeopardizes the health, safety, or welfare of individuals examined or treated in a facility.

5. An allegation of sexual battery upon an individual examined or treated in a facility.

~~(d)(e)~~ A facility may not use seclusion or restraint for punishment, to compensate for inadequate staffing, or for the convenience of staff. Facilities shall ensure that all staff are made aware of these restrictions on the use of seclusion and restraint and shall make and maintain records that which demonstrate that this information has been conveyed to each individual staff member members.

~~(6)(5)~~ COMMUNICATION, ABUSE REPORTING, AND VISITS.—

(a) ~~Each individual person receiving services~~ in a facility providing mental health services under this part has the right to communicate freely and privately with persons outside the facility unless it is determined that such communication is likely to be harmful to the individual person or others. Each facility shall make available as soon as reasonably possible to persons receiving services a telephone that allows for free local calls and access to a long-distance service to the individual as soon as reasonably possible. A facility is not required to pay the costs of the individual's a patient's long-distance calls. The telephone must shall be readily accessible to the patient and shall be placed so that the individual patient may use it to communicate privately and confidentially. The facility may establish reasonable rules for the use of the this telephone which, provided that the rules do not interfere with an individual's a patient's access to a telephone to report abuse pursuant to paragraph (e).

(b) ~~Each individual patient~~ admitted to a facility under the provisions of this part shall be allowed to receive, send, and mail sealed, unopened correspondence; and the individual's no patient's incoming or outgoing correspondence may not shall be opened, delayed, held, or censored by the facility unless there is reason to believe that it contains items or substances that which may be harmful to the individual patient or others, in which case the administrator may direct reasonable examination of such mail and may regulate the disposition of such items or substances.

(c) Each facility shall allow must permit immediate access to an individual any patient, subject to the patient's right to deny or withdraw consent at any time, by the individual, or by the individual's patient's family members, guardian, guardian advocate, health care surrogate or proxy, representative, Florida statewide or local advocacy council, or attorneys attorney, unless such access would be detrimental to the individual patient. If the a patient's right to communicate or to receive visitors is restricted by the facility, written notice of such restriction and the reasons for the restriction shall be served on the individual and patient, the individual's patient's attorney, and the patient's guardian, guardian advocate, health care surrogate or proxy, or representative; and such restriction, and the reasons for the restriction, must shall be recorded in on the patient's clinical record with the reasons therefor. The restriction must of a patient's right to communicate or to receive visitors shall be reviewed at least every 7 days. The right to communicate or receive visitors may shall not be restricted as a means of punishment. This Nothing in this paragraph may not shall be construed to limit the provisions of paragraph (d).

(d) Each facility shall establish reasonable rules, which must be the least restrictive possible, governing visitors, visiting hours, and the use of telephones by individuals patients in the least restrictive possible manner. An individual has Patients shall have the right to contact and to receive communication from his or her attorney their attorneys at any reasonable time.

(e) Each individual patient receiving mental health or substance abuse treatment in any facility shall have ready access to a telephone in order to report an alleged abuse. The facility staff shall orally and in writing inform each individual patient of the procedure for reporting abuse and shall make every reasonable effort to present the information in a language the individual patient understands. A written copy of that

procedure, including the telephone number of the central abuse hotline and reporting forms, ~~must shall~~ be posted in plain view.

(f) The department shall adopt rules providing a procedure for reporting abuse. ~~Facility staff shall be required,~~ As a condition of employment, ~~facility staff shall to~~ become familiar with the requirements and procedures for ~~the~~ reporting of abuse.

(7)(6) CARE AND CUSTODY OF PERSONAL EFFECTS OF PATIENTS.—~~A facility shall respect the rights of an individual with regard to a patient's right to the possession of his or her clothing and personal effects shall be respected.~~ The facility may take temporary custody of such effects ~~if when~~ required for medical and safety reasons. ~~The A patient's~~ clothing and personal effects shall be inventoried upon their removal into temporary custody. Copies of this inventory shall be given to the ~~individual patient~~ and to ~~his or her the patient's~~ guardian, guardian advocate, ~~health care surrogate or proxy,~~ or representative and shall be recorded in the ~~patient's~~ clinical record. This inventory may be amended upon the request of the ~~individual patient~~ or ~~his or her the patient's~~ guardian, guardian advocate, ~~health care surrogate or proxy,~~ or representative. The inventory and any amendments ~~to it~~ must be witnessed by two members of the facility staff and by the ~~individual patient,~~ if ~~he or she~~ is able. All of the ~~a patient's~~ clothing and personal effects held by the facility shall be returned to the ~~individual patient~~ immediately upon ~~his or her the~~ discharge or transfer of the ~~patient~~ from the facility, unless such return would be detrimental to the ~~individual patient.~~ If personal effects are not returned ~~to the patient,~~ the reason must be documented in the clinical record along with the disposition of the clothing and personal effects, which may be given instead to the ~~individual's~~ patient's guardian, guardian advocate, ~~health care surrogate or proxy,~~ or representative. As soon as practicable after an emergency transfer of ~~a patient,~~ the ~~individual's~~ patient's clothing and personal effects shall be transferred to the ~~individual's~~ patient's new location, together with a copy of the inventory and any amendments, unless an alternate plan is approved by the ~~individual patient,~~ if ~~he or she~~ is able, and by ~~his or her the patient's~~ guardian, guardian advocate, ~~health care surrogate or proxy,~~ or representative.

(8)(7) VOTING IN PUBLIC ELECTIONS.—A patient who is eligible to vote according to the laws of the state has the right to vote in the primary and general elections. The department shall establish rules to enable patients to obtain voter registration forms, applications for absentee ballots, and absentee ballots.

(9)(9) HABEAS CORPUS.—

(a) At any time, and without notice, ~~an individual a person~~ held or admitted for mental health or substance abuse examination or placement in a receiving or treatment facility, or a relative, friend, guardian, guardian advocate, ~~health care surrogate or proxy,~~ representative, or attorney, or the department, on behalf of such ~~individual person,~~ may petition for a writ of habeas corpus to question the cause and legality of such detention and request that the court order a return to the writ in accordance with chapter 79. Each ~~individual patient~~ held in a facility shall receive a written notice of the right to petition for a writ of habeas corpus.

(b) At any time, and without notice, ~~an individual held or admitted for mental health or substance abuse examination or placement a person who is a patient~~ in a receiving or treatment facility, or a relative, friend, guardian, guardian advocate, ~~health care surrogate or proxy,~~ representative, or attorney, or the department, on behalf of such ~~individual person,~~ may file a petition in the circuit court in the county where the ~~individual patient~~ is being held alleging that ~~he or she the patient~~ is being unjustly denied a right or privilege granted ~~under this part herein~~ or that a procedure authorized ~~under this part herein~~ is being abused. Upon the filing of such a petition, the court ~~may shall have the authority to~~ conduct a judicial inquiry and ~~to issue an any order needed~~ to correct an abuse of ~~the provisions of~~ this part.

(c) The administrator of any ~~receiving or treatment~~ facility receiving a petition under this subsection shall file the petition with the clerk of the court on the next court working day.

(d) ~~A No fee may not shall~~ be charged for the filing of a petition under this subsection.

(10)(9) VIOLATIONS.—The department shall report to the Agency for Health Care Administration any violation of the rights or privileges of patients, or of any procedures provided under this part, by any facility or professional licensed or regulated by the agency. The agency is authorized to impose any sanction authorized for violation of this part, based solely on the investigation and findings of the department.

(11)(10) LIABILITY FOR VIOLATIONS.—Any person who violates or abuses any rights or privileges of patients provided by this part is liable for damages as determined by law. Any person who acts in good faith in compliance with the provisions of this part is immune from civil or criminal liability for his or her actions in connection with the admission, diagnosis, treatment, or discharge of a patient to or from a facility. However, this section does not relieve any person from liability if such person commits negligence.

(12)(11) RIGHT TO PARTICIPATE IN TREATMENT AND DISCHARGE PLANNING.—The patient shall have the opportunity to participate in treatment and discharge planning and shall be notified in writing of his or her right, upon discharge from the facility, to seek treatment from the professional or agency of the patient's choice.

(13) ADVANCE DIRECTIVES.—~~All service providers under this part shall provide information concerning advance directives to individuals and assist those who are competent and willing to complete an advance directive. The directive may include instructions regarding mental health or substance abuse care. Service providers under this part shall honor the advance directive of individuals they serve, or shall request the transfer of the individual as required under s. 765.1105.~~

(14)(12) POSTING OF NOTICE OF RIGHTS OF PATIENTS.—Each facility shall post a notice listing and describing, in the language and terminology that the persons to whom the notice is addressed can understand, the rights provided in this section. This notice shall include a statement that provisions of the federal Americans with Disabilities Act apply and the name and telephone number of a person to contact for further information. This notice shall be posted in a place readily accessible to patients and in a format easily seen by patients. This notice shall include the telephone numbers of the Florida local advocacy council and Advocacy Center for Persons with Disabilities, Inc.

Section 12. Section 394.4597, Florida Statutes, is amended to read:

394.4597 Persons to be notified; ~~appointment of a patient's~~ representative.—

(1) VOLUNTARY ADMISSION PATIENTS.—~~At the time an individual a patient is voluntarily admitted to a receiving or treatment facility, the individual shall be asked to identify a person to be notified in case of an emergency, and the identity and contact information of that a person to be notified in case of an emergency shall be entered in the individual's patient's clinical record.~~

(2) INVOLUNTARY ADMISSION PATIENTS.—

(a) At the time ~~an individual a patient~~ is admitted to a facility for involuntary examination or placement, or when a petition for involuntary placement is filed, the names, addresses, and telephone numbers of the ~~individual's~~ patient's guardian or guardian advocate, ~~health care surrogate, or proxy,~~ or representative if ~~he or she the patient~~ has no guardian, and the ~~individual's~~ patient's attorney shall be entered in the ~~patient's clinical~~ record.

(b) If the ~~individual patient~~ has no guardian, ~~guardian advocate, health care surrogate, or proxy,~~ ~~he or she the patient~~ shall be asked to designate a representative. If the ~~individual patient~~ is unable or unwilling to designate a representative, the facility shall select a representative.

(c) The ~~individual patient~~ shall be consulted with regard to the selection of a representative by the receiving or treatment facility and ~~may shall have authority to~~ request that ~~the any such~~ representative be replaced.

(d) ~~If When~~ the receiving or treatment facility selects a representative, first preference shall be given to a health care surrogate, if one has been previously selected ~~by the patient.~~ If the ~~individual patient~~ has not previously selected a health care surrogate, the selection, except for good

cause documented in the ~~individual's patient's~~ clinical record, shall be made from the following list in the order of listing:

1. The ~~individual's patient's~~ spouse.
2. An adult child of the ~~individual patient~~.
3. A parent of the ~~individual patient~~.
4. The adult next of kin of the ~~individual patient~~.
5. An adult friend of the ~~individual patient~~.
6. ~~The appropriate Florida local advocacy council as provided in s. 409.166.~~

(e) *The following persons are prohibited from selection as an individual's representative:*

1. *A professional providing clinical services to the individual under this part;*
2. *The licensed professional who initiated the involuntary examination of the individual, if the examination was initiated by professional certificate;*
3. *An employee, administrator, or board member of the facility providing the examination of the individual;*
4. *An employee, administrator, or board member of a treatment facility providing treatment of the individual;*
5. *A person providing any substantial professional services to the individual, including clinical and nonclinical services;*
6. *A creditor of the individual;*
7. *A person subject to an injunction for protection against domestic violence under s. 741.30, whether the order of injunction is temporary or final, and for which the individual was the petitioner; and*
8. *A person subject to an injunction for protection against repeat violence, sexual violence, or dating violence under s. 784.046, whether the order of injunction is temporary or final, and for which the individual was the petitioner.*

~~(e) A licensed professional providing services to the patient under this part, an employee of a facility providing direct services to the patient under this part, a department employee, a person providing other substantial services to the patient in a professional or business capacity, or a creditor of the patient shall not be appointed as the patient's representative.~~

(f) *The representative selected by the individual or designated by the facility has the right to:*

1. *Receive notice of the individual's admission;*
2. *Receive notice of proceedings affecting the individual;*
3. *Have immediate access to the individual unless such access is documented to be detrimental to the individual;*
4. *Receive notice of any restriction of the individual's right to communicate or receive visitors;*
5. *Receive a copy of the inventory of personal effects upon the individual's admission and to request an amendment to the inventory at any time;*
6. *Receive disposition of the individual's clothing and personal effects if not returned to the individual, or to approve an alternate plan;*
7. *Petition on behalf of the individual for a writ of habeas corpus to question the cause and legality of the individual's detention or to allege that the individual is being unjustly denied a right or privilege granted under this part, or that a procedure authorized under this part is being abused;*

8. *Apply for a change of venue for the individual's involuntary placement hearing for the convenience of the parties or witnesses or because of the individual's condition;*

9. *Receive written notice of any restriction of the individual's right to inspect his or her clinical record;*

10. *Receive notice of the release of the individual from a receiving facility where an involuntary examination was performed;*

11. *Receive a copy of any petition for the individual's involuntary placement filed with the court; and*

12. *Be informed by the court of the individual's right to an independent expert evaluation pursuant to involuntary placement procedures.*

Section 13. Effective July 1, 2016, section 394.4598, Florida Statutes, is amended to read:

394.4598 Guardian advocate.—

(1) The administrator, family member, or interested party may petition the court for the appointment of a guardian advocate based upon the opinion of a psychiatrist that an individual held for examination or admitted for mental health or substance abuse treatment ~~the patient~~ is incompetent to consent to treatment. If the court finds that ~~the individual a patient~~ is incompetent to consent to treatment and has not been adjudicated incapacitated and a guardian ~~having with the~~ authority to consent to mental health or substance abuse treatment ~~has not been~~ appointed, it shall appoint a guardian advocate. The ~~individual patient~~ has the right to have an attorney represent him or her at the hearing. If the ~~individual person~~ is indigent, the court shall appoint the office of the public defender to represent him or her at the hearing. The ~~individual patient~~ has the right to testify, cross-examine witnesses, and present witnesses. The proceeding ~~shall~~ be recorded ~~either~~ electronically or stenographically, and testimony shall be ~~provided~~ under oath. One of the professionals authorized to give an opinion in support of a petition for involuntary placement, as described in s. 394.4655 or s. 394.467, ~~shall must~~ testify. ~~The A~~ guardian advocate ~~shall must~~ meet the qualifications of a guardian ~~pursuant to contained in~~ part IV of chapter 744, ~~except that a professional referred to in this part, an employee of the facility providing direct services to the patient under this part, a departmental employee, a facility administrator, or member of the Florida local advocacy council shall not be appointed. A person who is appointed as a guardian advocate must agree to the appointment. A person may not be appointed as a guardian advocate unless he or she agrees to the appointment.~~

(2) *The following persons are prohibited from being appointed as an individual's guardian advocate:*

- (a) *A professional providing clinical services to the individual under this part;*
- (b) *The licensed professional who initiated the involuntary examination of the individual, if the examination was initiated by professional certificate;*
- (c) *An employee, administrator, or board member of the facility providing the examination of the individual;*
- (d) *An employee, administrator, or board member of a treatment facility providing treatment of the individual;*
- (e) *A person providing any substantial professional services to the individual, including clinical and nonclinical services;*
- (f) *A creditor of the individual;*
- (g) *A person subject to an injunction for protection against domestic violence under s. 741.30, whether the order of injunction is temporary or final, and for which the individual was the petitioner; and*
- (h) *A person subject to an injunction for protection against repeat violence, sexual violence, or dating violence under s. 784.046, whether the order of injunction is temporary or final, and for which the individual was the petitioner.*

(3)(2) A facility requesting appointment of a guardian advocate must, prior to the appointment, provide the prospective guardian advocate with information about the duties and responsibilities of guardian advocates, including the information about the ethics of medical decision-making. Before asking a guardian advocate to give consent to treatment for an individual held for examination or admitted for mental health or substance abuse treatment a patient, the facility shall provide to the guardian advocate sufficient information to allow so that the guardian advocate to ~~can~~ decide whether to give express and informed consent to the treatment, including information that the treatment is essential to the care of the individual patient, and that the treatment does not present an unreasonable risk of serious, hazardous, or irreversible side effects. Before giving consent to treatment, the guardian advocate must meet and talk with the individual patient and the individual's patient's physician face to face in person, if at all possible, and by telephone, if not. The guardian advocate shall make every effort to make decisions regarding treatment that he or she believes the individual would have made under the circumstances if the individual were capable of making such a decision. The decision of the guardian advocate may be reviewed by the court, upon petition of the individual's patient's attorney, the individual's patient's family, or the facility administrator.

(4)(3) Prior to A guardian advocate must attend at least a 4-hour training course approved by the court before exercising his or her authority, the guardian advocate shall attend a training course approved by the court. This training course, of not less than 4 hours, must include, at minimum, information about an the individual's patient rights, psychotropic medications, diagnosis of mental illness or substance abuse impairment, the ethics of medical decisionmaking, and the duties of guardian advocates. This training course shall take the place of the training required for guardians appointed pursuant to chapter 744.

(5)(4) The information to be supplied to prospective guardian advocates before prior to their appointment and the training course for guardian advocates must be developed and completed through a course developed by the department and approved by the chief judge of the circuit court and taught by a court-approved organization. Court-approved organizations may include, but need are not be limited to, community or junior colleges, guardianship organizations, and the local bar association or The Florida Bar. The court may, in its discretion, waive some or all of the training requirements for guardian advocates or impose additional requirements. The court shall make its decision on a case-by-case basis and, in making its decision, shall consider the experience and education of the guardian advocate, the duties assigned to the guardian advocate, and the needs of the individual subject to involuntary placement patient.

(6)(5) In selecting a guardian advocate, the court shall give preference to a health care surrogate, if one has already been designated by the individual held for examination or admitted for mental health or substance abuse treatment patient. If the individual patient has not previously selected a health care surrogate, except for good cause documented in the court record, the selection shall be made from the following list in the order of listing:

- (a) The individual's patient's spouse.
- (b) An adult child of the individual patient.
- (c) A parent of the individual patient.
- (d) The adult next of kin of the individual patient.
- (e) An adult friend of the individual patient.
- (f) An adult trained and willing to serve as guardian advocate for the individual patient.

(7)(6) If a guardian with the authority to consent to medical treatment has not already been appointed or if the individual held for examination or admitted for mental health or substance abuse treatment patient has not already designated a health care surrogate, the court may authorize the guardian advocate to consent to medical treatment, as well as mental health and substance abuse treatment. Unless otherwise limited by the court, a guardian advocate with authority to consent to medical treatment shall have the same authority to make health care decisions and be subject to the same restrictions as a proxy appointed under part IV of chapter 765. Unless the guardian advocate has sought

and received express court approval in proceeding separate from the proceeding to determine the competence of the patient to consent to medical treatment, the guardian advocate may not consent to:

- (a) Abortion.
- (b) Sterilization.
- (c) Electroconvulsive treatment.
- (d) Psychosurgery.
- (e) Experimental treatments that have not been approved by a federally approved institutional review board in accordance with 45 C.F.R. part 46 or 21 C.F.R. part 56.

In making a medical treatment decision under this subsection, the court shall ~~must~~ base its decision on evidence that the treatment or procedure is essential to the care of the individual patient and that the treatment does not present an unreasonable risk of serious, hazardous, or irreversible side effects. The court shall follow the procedures set forth in subsection (1) of this section.

(8)(7) The guardian advocate shall be discharged when the individual for whom he or she is appointed patient is discharged from an order for involuntary outpatient placement or involuntary inpatient placement or when the individual patient is transferred from involuntary to voluntary status. The court or a hearing officer shall consider the competence of the individual patient pursuant to subsection (1) and may consider an involuntarily placed individual's patient's competence to consent to treatment at any hearing. Upon sufficient evidence, the court may restore, or the magistrate or administrative law judge hearing of fier may recommend that the court restore, the individual's patient's competence. A copy of the order restoring competence or the certificate of discharge containing the restoration of competence shall be provided to the individual patient and the guardian advocate.

Section 14. Section 394.4599, Florida Statutes, is amended to read:

394.4599 Notice.—

(1) VOLUNTARY ADMISSION PATIENTS.—Notice of an individual's a voluntary patient's admission shall ~~only~~ be given ~~only~~ at the request of the individual patient, except that, in an emergency, notice shall be given as determined by the facility.

(2) INVOLUNTARY ADMISSION PATIENTS.—

(a) Whenever notice is required to be given under this part, such notice shall be given to the individual patient and the individual's patient's guardian, guardian advocate, health care surrogate or proxy, attorney, and representative.

1. When notice is required to be given to an individual a patient, it shall be given both orally and in writing, in the language and terminology that the individual patient can understand, and, if needed, the facility shall provide an interpreter for the individual patient.

2. Notice to an individual's a patient's guardian, guardian advocate, health care surrogate or proxy, attorney, and representative shall be given by United States mail and by registered or certified mail with the date, time, and method of notice delivery documented in receipts attached to the patient's clinical record. Hand delivery by a facility employee may be used as an alternative, with the date and time of delivery documented in the clinical record. If notice is given by a state attorney or an attorney for the department, a certificate of service is ~~shall be~~ sufficient to document service.

(b) A receiving facility shall give prompt notice of the whereabouts of an individual a patient who is being involuntarily held for examination to the individual's guardian, guardian advocate, health care surrogate or proxy, attorney or representative, by telephone or in person within 24 hours after the individual's patient's arrival at the facility, unless the patient requests that no notification be made. Contact attempts shall be documented in the individual's patient's clinical record and shall begin as soon as reasonably possible after the individual's patient's arrival. Notice that a patient is being admitted as an involuntary patient shall be given to the Florida local advocacy council no later than the next working day after the patient is admitted.

(c)1. A receiving facility shall give notice of the whereabouts of a minor who is being involuntarily held for examination pursuant to s. 394.463 to the minor's parent, guardian, caregiver, or guardian advocate, in person or by telephone or other form of electronic communication, immediately after the minor's arrival at the facility. The facility may not delay notification for more than 24 hours after the minor's arrival if the facility has submitted a report to the central abuse hotline, pursuant to s. 39.201, based upon knowledge or suspicion of abuse, abandonment, or neglect and if the facility deems a delay in notification to be in the minor's best interest.

2. The receiving facility shall attempt to notify the minor's parent, guardian, caregiver, or guardian advocate until the receiving facility receives confirmation from the parent, guardian, caregiver, or guardian advocate, verbally, by telephone or other form of electronic communication, or by recorded message, that notification has been received. Attempts to notify the parent, guardian, caregiver, or guardian advocate must be repeated at least once each hour during the first 12 hours after the minor's arrival and once every 24 hours thereafter and must continue until such confirmation is received, unless the minor is released at the end of the 72-hour examination period, or until a petition for involuntary placement is filed with the court pursuant to s. 394.463(2)(i). The receiving facility may seek assistance from a law enforcement agency to notify the minor's parent, guardian, caregiver, or guardian advocate if the facility has not received, within the first 24 hours after the minor's arrival, a confirmation by the parent, guardian, caregiver, or guardian advocate that notification has been received. The receiving facility must document notification attempts in the minor's clinical record.

(d)(e) The written notice of the filing of the petition for involuntary placement of an individual being held must contain the following:

1. Notice that the petition has been filed with the circuit court in the county in which the individual patient is hospitalized and the address of such court.

2. Notice that the office of the public defender has been appointed to represent the individual patient in the proceeding, if the individual patient is not otherwise represented by counsel.

3. The date, time, and place of the hearing and the name of each examining expert and every other person expected to testify in support of continued detention.

4. Notice that the individual patient, the individual's patient's guardian, guardian advocate, health care surrogate or proxy, or representative, or the administrator may apply for a change of venue for the convenience of the parties or witnesses or because of the condition of the individual patient.

5. Notice that the individual patient is entitled to an independent expert examination and, if the individual patient cannot afford such an examination, that the court will provide for one.

(e)(d) A treatment facility shall provide notice of an individual's a patient's involuntary admission on the next regular working day after the individual's patient's arrival at the facility.

(f)(e) When an individual a patient is to be transferred from one facility to another, notice shall be given by the facility where the individual patient is located before prior to the transfer.

Section 15. Effective July 1, 2016, subsections (1), (2), (3), and (10) of section 394.4615, Florida Statutes, are amended to read:

394.4615 Clinical records; confidentiality.—

(1) A clinical record shall be maintained for each individual held for examination or admitted for treatment under this part patient. The record shall include data pertaining to admission and such other information as may be required under rules of the department. A clinical record is confidential and exempt from the provisions of s. 119.07(1). Unless waived by express and informed consent of the individual, by the patient or his or her the patient's guardian, or guardian advocate, health care surrogate or proxy, or, if the individual patient is deceased, by his or her guardian, guardian advocate, health care surrogate or proxy, by his or her the patient's personal representative or the family member who stands next in line of intestate succession, the confidential status of the

clinical record shall not be lost by either authorized or unauthorized disclosure to any person, organization, or agency.

(2) The clinical record of an individual held for examination or admitted for treatment under this part shall be released if when:

(a) The individual patient or the individual's patient's guardian, guardian advocate, health care surrogate or proxy, or representative authorizes the release. The guardian, or guardian advocate, health care surrogate or proxy shall be provided access to the appropriate clinical records of the patient. The individual patient or the patient's guardian, or guardian advocate, health care surrogate or proxy may authorize the release of information and clinical records to appropriate persons to ensure the continuity of the individual's patient's health care or mental health or substance abuse care.

(b) The individual patient is represented by counsel and the records are needed by the individual's patient's counsel for adequate representation.

(c) A petition for involuntary inpatient placement is filed and the records are needed by the state attorney to evaluate the allegations set forth in the petition or to prosecute the petition. However, the state attorney may not use clinical records obtained under this part for the purpose of criminal investigation or prosecution, or for any other purpose not authorized by this part.

(d)(e) The court orders such release. In determining whether there is good cause for disclosure, the court shall weigh the need for the information to be disclosed against the possible harm of disclosure to the individual person to whom such information pertains.

(e)(d) The individual patient is committed to, or is to be returned to, the Department of Corrections from the Department of Children and Families, and the Department of Corrections requests such records. These records shall be furnished without charge to the Department of Corrections.

(3) Information from the clinical record may be released in the following circumstances:

(a) When a patient has declared an intention to harm other persons. When such declaration has been made, the administrator may authorize the release of sufficient information to provide adequate warning to law enforcement agencies and to the person threatened with harm by the patient.

(b) When the administrator of the facility or secretary of the department deems release to a qualified researcher as defined in administrative rule, an aftercare treatment provider, or an employee or agent of the department is necessary for treatment of the patient, maintenance of adequate records, compilation of treatment data, aftercare planning, or evaluation of programs.

For the purpose of determining whether a person meets the criteria for involuntary outpatient placement or for preparing the proposed treatment plan pursuant to s. 394.4655, the clinical record may be released to the state attorney, the public defender or the patient's private legal counsel, the court, and to the appropriate mental health professionals, including the service provider identified in s. 394.4655(7)(b) s. 394.4655(6)(b)2., in accordance with state and federal law.

(10) An individual held for examination or admitted for treatment Patients shall have reasonable access to his or her their clinical records, unless such access is determined by the individual's patient's physician to be harmful to the individual patient. If the individual's patient's right to inspect his or her clinical record is restricted by the facility, written notice of such restriction shall be given to the individual patient and the individual's patient's guardian, guardian advocate, health care surrogate or proxy, or attorney, and representative. In addition, the restriction shall be recorded in the clinical record, together with the reasons for it. The restriction of an individual's a patient's right to inspect his or her clinical record shall expire after 7 days but may be renewed, after review, for subsequent 7-day periods.

Section 16. Effective July 1, 2016, subsection (1) of section 394.462, Florida Statutes, is amended to read:

394.462 Transportation.—

(1) TRANSPORTATION TO A RECEIVING OR DETOXIFICATION FACILITY.—

(a) Each county shall designate a single law enforcement agency within the county, or portions thereof, to take ~~an individual a person~~ into custody upon the entry of an ex parte order or the execution of a certificate for involuntary examination by an authorized professional and to transport that ~~individual person~~ to the nearest receiving facility for examination. The designated law enforcement agency may decline to transport the ~~individual person~~ to a receiving or detoxification facility only if:

1. The ~~county or~~ jurisdiction designated by the county has contracted ~~on an annual basis~~ with an emergency medical transport service or private transport company for transportation of ~~individuals persons~~ to receiving facilities ~~pursuant to this section at the sole cost of the county;~~ and

2. The law enforcement agency and the emergency medical transport service or private transport company agree that the continued presence of law enforcement personnel is not necessary for the safety of the ~~individuals being transported person~~ or others.

3. The jurisdiction designated by the county may seek reimbursement for transportation expenses. The party responsible for payment for such transportation is the person receiving the transportation. The county shall seek reimbursement from the following sources in the following order:

a. From an insurance company, health care corporation, or other source, if the ~~individual being transported person receiving the transportation~~ is covered by an insurance policy or subscribes to a health care corporation or other source for payment of such expenses.

b. From the ~~individual being transported person receiving the transportation~~.

c. From a financial settlement for medical care, treatment, hospitalization, or transportation payable or accruing to the injured party.

(b) Any company that transports a patient pursuant to this subsection is considered an independent contractor and is solely liable for the safe and dignified transportation of the patient. Such company must be insured and provide no less than \$100,000 in liability insurance with respect to the transportation of patients.

(c) Any company that contracts with a governing board of a county to transport patients shall comply with the applicable rules of the department to ensure the safety and dignity of the patients.

(d) When a law enforcement officer takes custody of a person pursuant to this part, the officer may request assistance from emergency medical personnel if such assistance is needed for the safety of the officer or the person in custody.

(e) When a member of a mental health overlay program or a mobile crisis response service is a professional authorized to initiate an involuntary examination pursuant to s. 394.463 and that professional evaluates a person and determines that transportation to a receiving facility is needed, the service, at its discretion, may transport the person to the facility or may call on the law enforcement agency or other transportation arrangement best suited to the needs of the patient.

(f) When ~~a any~~ law enforcement officer has custody of a person, based on ~~either noncriminal or minor criminal~~ behavior, ~~a misdemeanor, or a felony other than a forcible felony as defined in s. 776.08, who that~~ meets the statutory guidelines for involuntary examination under this part, the law enforcement officer shall transport the ~~individual person~~ to the nearest receiving facility for examination.

(g) When any law enforcement officer has arrested a person for a ~~forcible felony as defined in s. 776.08~~ and it appears that the person meets the ~~criteria statutory guidelines~~ for involuntary examination ~~or placement~~ under this part, such person shall first be processed in the same manner as any other criminal suspect. The law enforcement agency shall thereafter immediately notify the nearest public receiving facility, which shall be responsible for promptly arranging for the examination and treatment of the person. A receiving facility ~~may is not required to~~ admit a person charged with a ~~forcible felony as defined in s.~~

~~776.08 crime~~ for whom the facility determines and documents that it is unable to provide adequate security, but shall provide ~~mental health~~ examination and treatment to the person ~~at the location~~ where he or she is held.

(h) If the appropriate law enforcement officer believes that a person has an emergency medical condition as defined in s. 395.002, the person may be first transported to a hospital for emergency medical treatment, regardless of whether the hospital is a designated receiving facility.

(i) The costs of transportation, evaluation, hospitalization, and treatment incurred under this subsection by persons who have been arrested for violations of any state law or county or municipal ordinance may be recovered as provided in s. 901.35.

(j) The nearest receiving facility must accept persons brought by law enforcement officers for involuntary examination.

(k) Each law enforcement agency shall develop a memorandum of understanding with each receiving facility within the law enforcement agency's jurisdiction which reflects a single set of protocols for the safe and secure transportation of the person and transfer of custody of the person. These protocols must also address crisis intervention measures.

(l) When a jurisdiction has entered into a contract with an emergency medical transport service or a private transport company for transportation of persons to receiving facilities, such service or company shall be given preference for transportation of persons from nursing homes, assisted living facilities, adult day care centers, or adult family-care homes, unless the behavior of the person being transported is such that transportation by a law enforcement officer is necessary.

(m) Nothing in this section shall be construed to limit emergency examination and treatment of incapacitated persons provided in accordance with the provisions of s. 401.445.

Section 17. Effective July 1, 2016, subsections (1), (2), (4), and (5) of section 394.4625, Florida Statutes, are amended to read:

394.4625 Voluntary admissions.—

(1) ~~EXAMINATION AND TREATMENT AUTHORITY TO RECEIVE PATIENTS.~~—

(a) ~~In order to be voluntarily admitted to a facility A facility may receive for observation, diagnosis, or treatment: any person 18 years of age or older making application by express and informed consent for admission or any person age 17 or under for whom such application is made by his or her guardian. If found to~~

1. ~~An individual must show evidence of mental illness or substance abuse impairment, to be competent to provide express and informed consent, and to be suitable for treatment, such person 18 years of age or older may be admitted to the facility. A person age 17 or under may be admitted only after a hearing to verify the voluntariness of the consent.~~

2. ~~An individual must be suitable for treatment by the facility.~~

3. ~~An adult must provide, and be competent to provide, express and informed consent.~~

4. ~~A minor's guardian must provide express and informed consent, in conjunction with the consent of the minor. However, a minor may be admitted to an addictions receiving facility or detoxification facility by his or her own consent without his or her guardian's consent, if a physician documents in the clinical record that the minor has a substance abuse impairment. If the minor is admitted by his or her own consent and without the consent of his or her guardian, the facility must request the minor's permission to notify an adult family member or friend of the minor's voluntary admission into the facility.~~

a. ~~The consent of the minor is an affirmative agreement by the minor to remain at the facility for examination and treatment, and failure to object does not constitute consent.~~

b. ~~The minor's consent must be verified through a clinical assessment that is documented in the clinical record and conducted within 12 hours after arrival at the facility by a licensed professional authorized to initiate an involuntary examination pursuant to s. 394.463.~~

c. In verifying the minor's consent, and using language that is appropriate to the minor's age, experience, maturity, and condition, the examining professional must provide the minor with an explanation as to why the minor will be examined and treated, what the minor can expect while in the facility, and when the minor may expect to be released. The examining professional must determine and document that the minor is able to understand the information.

d. Unless the minor's consent is verified pursuant to this section, a petition for involuntary inpatient placement shall be filed with the court within 1 court working day after his or her arrival or the minor must be released to his or her guardian.

(b) A mental health overlay program or a mobile crisis response service or a licensed professional who is authorized to initiate an involuntary examination pursuant to s. 394.463 and is employed by a community mental health center or clinic must, pursuant to district procedure approved by the respective district administrator, conduct an initial assessment of the ability of the following persons to give express and informed consent to treatment before such persons may be admitted voluntarily:

1. A person 60 years of age or older for whom transfer is being sought from a nursing home, assisted living facility, adult day care center, or adult family-care home, when such person has been diagnosed as suffering from dementia.

2. A person 60 years of age or older for whom transfer is being sought from a nursing home pursuant to s. 400.0255(12).

3. A person for whom all decisions concerning medical treatment are currently being lawfully made by the health care surrogate or proxy designated under chapter 765.

(c) When an initial assessment of the ability of a person to give express and informed consent to treatment is required under this section, and a mobile crisis response service does not respond to the request for an assessment within 2 hours after the request is made or informs the requesting facility that it will not be able to respond within 2 hours after the request is made, the requesting facility may arrange for assessment by any licensed professional authorized to initiate an involuntary examination pursuant to s. 394.463 who is not employed by or under contract with, and does not have a financial interest in, either the facility initiating the transfer or the receiving facility to which the transfer may be made.

(d) A facility may not admit as a voluntary patient a person who has been adjudicated incapacitated, unless the condition of incapacity has been judicially removed. If a facility admits as a voluntary patient a person who is later determined to have been adjudicated incapacitated, and the condition of incapacity had not been removed by the time of the admission, the facility must either discharge the patient or transfer the patient to involuntary status.

(e) The health care surrogate or proxy of an individual on a voluntary status patient may not consent to the provision of mental health treatment or substance abuse treatment for that individual the patient. An individual on voluntary status A voluntary patient who is unwilling or unable to provide express and informed consent to mental health treatment must either be discharged or transferred to involuntary status.

(f) Within 24 hours after admission of a voluntary patient, the admitting physician shall document in the patient's clinical record that the patient is able to give express and informed consent for admission. If the patient is not able to give express and informed consent for admission, the facility shall either discharge the patient or transfer the patient to involuntary status pursuant to subsection (5).

(2) ~~RELEASE OR DISCHARGE OF VOLUNTARY PATIENTS.—~~

(a) A facility shall discharge a voluntary patient:

1. Who has sufficiently improved so that retention in the facility is no longer desirable. A patient may also be discharged to the care of a community facility.

2. Who revokes consent to admission or requests discharge. A voluntary patient or a relative, friend, or attorney of the patient may re-

quest discharge either orally or in writing at any time following admission to the facility. The patient must be discharged within 24 hours of the request, unless the request is rescinded or the patient is transferred to involuntary status pursuant to this section. The 24-hour time period may be extended by a treatment facility when necessary for adequate discharge planning, but shall not exceed 3 days exclusive of weekends and holidays. If the patient, or another on the patient's behalf, makes an oral request for discharge to a staff member, such request shall be immediately entered in the patient's clinical record. If the request for discharge is made by a person other than the patient, the discharge may be conditioned upon the express and informed consent of the patient.

(b) A voluntary patient who has been admitted to a facility and who refuses to consent to or revokes consent to treatment shall be discharged within 24 hours after such refusal or revocation, unless transferred to involuntary status pursuant to this section or unless the refusal or revocation is freely and voluntarily rescinded by the patient.

(c) An individual on voluntary status who is currently charged with a crime shall be returned to the custody of a law enforcement officer upon release or discharge from a facility, unless the individual has been released from law enforcement custody by posting of a bond, by a pretrial conditional release, or by other judicial release.

(4) TRANSFER TO VOLUNTARY STATUS.—An individual on involuntary status patient who has been assessed and certified by a physician or psychologist as competent to provide express and informed consent and who applies to be transferred to voluntary status shall be transferred to voluntary status immediately, unless the individual patient has been charged with a crime, or has been involuntarily placed for treatment by a court pursuant to s. 394.467 and continues to meet the criteria for involuntary placement. When transfer to voluntary status occurs, notice shall be given as provided in s. 394.4599.

(5) TRANSFER TO INVOLUNTARY STATUS.—If an individual on When a voluntary status patient, or an authorized person on the individual's patient's behalf, makes a request for discharge, the request for discharge, unless freely and voluntarily rescinded, must be communicated to a physician, clinical psychologist, or psychiatrist as quickly as possible within, but not later than 12 hours after the request is made. If the individual patient meets the criteria for involuntary placement, the individual must be transferred to a designated receiving facility and the administrator of the receiving facility where the individual is held must file with the court a petition for involuntary placement, within 2 court working days after the request for discharge is made. If the petition is not filed within 2 court working days, the individual must patient shall be discharged. Pending the filing of the petition, the individual patient may be held and emergency mental health treatment rendered in the least restrictive manner, upon the written order of a physician, if it is determined that such treatment is necessary for the safety of the individual patient or others.

Section 18. Effective July 1, 2016, section 394.463, Florida Statutes, is amended to read:

394.463 Involuntary examination.—

(1) CRITERIA.—A person may be subject to an taken to a receiving facility for involuntary examination if there is reason to believe that he or she the person has a mental illness or substance abuse impairment and because of this his or her mental illness or substance abuse impairment:

(a)1. The person has refused voluntary examination after conscientious explanation and disclosure of the purpose of the examination; or

2. The person is unable to determine for himself or herself whether examination is necessary; and

(b)1. Without care or treatment, the person is likely to suffer from neglect or refuse to care for himself or herself; such neglect or refusal poses a real and present threat of substantial harm to his or her well-being; and it is not apparent that such harm may be avoided through the help of willing family members or friends or the provision of other services; or

2. There is a substantial likelihood that without care or treatment the person will cause serious bodily harm to himself or herself or others in the near future, as evidenced by recent behavior.

(2) INVOLUNTARY EXAMINATION.—

(a) An involuntary examination may be initiated by any one of the following means:

1. A court may enter an ex parte order stating that *an individual a person* appears to meet the criteria for involuntary examination, giving the findings on which that conclusion is based. The ex parte order for involuntary examination must be based on sworn testimony, written or oral, *which includes specific facts that support the finding that the criteria have been met. Any behavior relied on for the issuance of an ex parte order must have occurred within the preceding 7 calendar days. The order must specify whether the individual must be taken to a mental health facility, detoxification facility, or addictions receiving facility. If other less restrictive means are not available, such as voluntary appearance for outpatient evaluation,* A law enforcement officer, or other designated agent of the court, shall take the *individual person* into custody and deliver him or her to the nearest *receiving facility of the type specified in the order for involuntary examination. However, if the county in which the individual is taken into custody has a transportation exception plan specifying a central receiving facility, the law enforcement officer shall transport the individual to the central receiving facility pursuant to the plan.* The order of the court order must ~~shall~~ be made a part of the patient's clinical record. A ~~No~~ fee may not ~~shall~~ be charged for the filing of an order under this subsection. Any *receiving facility* accepting the *individual patient* based on the court's ~~this~~ order must send a copy of the order to the Agency for Health Care Administration on the next working day. The order is ~~shall~~ be valid only until executed or, if not executed, for the period specified in the order itself. If no time limit is specified in the order, the order is ~~shall~~ be valid for 7 days after the date ~~it that~~ the order was signed.

2. A law enforcement officer shall take a person who appears to meet the criteria for involuntary examination into custody and deliver ~~the person or~~ have him or her delivered to the nearest *mental health receiving facility, addictions receiving facility, or detoxification facility, whichever the officer determines is most appropriate for examination. However, if the county in which the individual taken into custody has a transportation exception plan specifying a central receiving facility, the law enforcement officer shall transport the individual to the central receiving facility pursuant to the plan.* The officer shall ~~complete~~ ~~execute~~ a written report detailing the circumstances under which the *individual person* was taken into custody, ~~and~~ The report shall be made a part of the patient's clinical record. Any *receiving facility or detoxification facility* accepting the *individual patient* based on ~~the~~ ~~this~~ report must send a copy of the report to the Agency for Health Care Administration on the next working day.

3. A physician, clinical psychologist, psychiatric nurse, mental health counselor, marriage and family therapist, or clinical social worker may execute a certificate stating that he or she has examined the *individual a person* within the preceding 48 hours and finds that the *individual person* appears to meet the criteria for involuntary examination and stating the observations upon which that conclusion is based. *The certificate must specify whether the individual is to be taken to a mental health receiving facility, an addictions receiving facility, or a detoxification facility, and must include specific facts supporting the conclusion that the individual would benefit from services provided by the type of facility specified. If other less restrictive means are not available, such as voluntary appearance for outpatient evaluation,* A law enforcement officer shall take the *individual person* named in the certificate into custody and deliver him or her to the nearest *receiving facility of the type specified in the certificate for involuntary examination. However, if the county in which the individual is taken into custody has a transportation exception plan specifying a central receiving facility, the law enforcement officer shall transport the individual to the central receiving facility pursuant to the plan.* A law enforcement officer may only take an *individual into custody on the basis of a certificate within 7 calendar days after execution of the certificate.* The law enforcement officer shall ~~complete~~ ~~execute~~ a written report detailing the circumstances under which the *individual person* was taken into custody. The report and certificate shall be made a part of the patient's clinical record. Any *receiving facility* accepting the *individual patient* based on ~~the~~ ~~this~~ certificate must send a

copy of the certificate to the Agency for Health Care Administration on the next working day.

(b) *An individual may* ~~A person shall~~ not be removed from a ~~any~~ program or residential placement licensed under chapter 400 or chapter 429 and transported to a receiving facility for involuntary examination unless an ex parte order, a professional certificate, or a law enforcement officer's report is first prepared. If the condition of the *individual person* is such that preparation of a law enforcement officer's report is not practicable before removal, the report ~~must shall~~ be completed as soon as possible after removal, but ~~in any case~~ before the *individual person* is transported to a receiving facility. A receiving facility admitting an *individual a person* for involuntary examination who is not accompanied by the required ex parte order, professional certificate, or law enforcement officer's report ~~must shall~~ notify the Agency for Health Care Administration of such admission by certified mail by ~~no later than~~ the next working day. ~~The provisions of this paragraph do not apply when transportation is provided by the patient's family or guardian.~~

(c) A law enforcement officer acting in accordance with an ex parte order issued pursuant to this subsection may serve and execute such order on any day of the week, at any time of the day or night.

(d) A law enforcement officer acting in accordance with an ex parte order issued pursuant to this subsection may use such reasonable physical force as is necessary to gain entry to the premises, and any dwellings, buildings, or other structures located on the premises, and to take custody of the person who is the subject of the ex parte order.

(e) ~~Petitions and The Agency for Health Care Administration shall receive and maintain the copies of ex parte orders, involuntary outpatient placement orders, involuntary outpatient placement petitions and orders issued pursuant to s. 394.4655, involuntary inpatient placement petitions and orders issued pursuant to s. 394.467, professional certificates, and law enforcement officers' reports are. These documents shall be considered part of the clinical record; governed by the provisions of s. 394.4615. The agency shall prepare annual reports analyzing the data obtained from these documents, without information identifying individuals held for examination or admitted for mental health and substance abuse treatment patients, and shall provide copies of reports to the department, the President of the Senate, the Speaker of the House of Representatives, and the minority leaders of the Senate and the House of Representatives.~~

(f) *An individual held for examination* ~~A patient~~ shall be examined by a physician, a ~~or~~ clinical psychologist, or a psychiatric nurse performing within the framework of an established protocol with a psychiatrist at a receiving facility without unnecessary delay and may, upon the order of a physician, be given emergency *mental health or substance abuse* treatment if it is determined that such treatment is necessary for the safety of the *individual patient* or others. ~~The patient may not be released by the receiving facility or its contractor without the documented approval of a psychiatrist, a clinical psychologist, or, if the receiving facility is a hospital, the release may also be approved by an attending emergency department physician with experience in the diagnosis and treatment of mental and nervous disorders and after completion of an involuntary examination pursuant to this subsection. However, a patient may not be held in a receiving facility for involuntary examination longer than 72 hours.~~

(g) *An individual may not be held for involuntary examination for more than 72 hours from the time of the individual's arrival at the facility, except that this period may be extended by 48 hours if a physician documents in the clinical record that the individual has ongoing symptoms of substance intoxication or substance withdrawal and the individual would likely experience significant clinical benefit from detoxification services. This determination must be made based on a face-to-face examination conducted by the physician no less than 48 hours and not more than 72 hours after the individual's arrival at the facility. Based on the individual's needs, one of the following actions must be taken within the involuntary examination period:*

1. *The individual shall be released with the approval of a psychiatrist or clinical psychologist. However, if the examination is conducted in a receiving facility that is owned or operated by a hospital or health system, an emergency department physician or a psychiatric nurse performing within the framework of an established protocol with a psychiatrist may approve the release. A psychiatric nurse may not approve the release of a*

patient when the involuntary examination has been initiated by a psychiatrist, unless the release is approved by the initiating psychiatrist.

2. The individual shall be asked to provide express and informed consent for voluntary admission if a physician or psychologist has determined that the individual is competent to consent to treatment; or

3. A petition for involuntary placement shall be completed and filed in the circuit court by the receiving facility administrator if involuntary outpatient or inpatient placement is deemed necessary. If the 72-hour period ends on a weekend or legal holiday, the petition must be filed by the next working day. If inpatient placement is deemed necessary, the least restrictive treatment consistent with the optimum improvement of the individual's condition must be made available.

(h) An individual released from a receiving or treatment facility on a voluntary or involuntary basis who is currently charged with a crime shall be returned to the custody of law enforcement, unless the individual has been released from law enforcement custody by posting of a bond, by a pretrial conditional release, or by other judicial release.

(i) If an individual ~~A person~~ for whom an involuntary examination has been initiated ~~who is being evaluated or treated at a hospital for an emergency medical condition specified in s. 395.002 the involuntary examination period must be examined by a receiving facility within 72 hours. The 72-hour period begins when the individual patient arrives at the hospital and ceases when a the attending physician documents that the individual patient has an emergency medical condition. The 72-hour period resumes when the physician documents that the emergency medical condition has stabilized or does not exist. If the patient is examined at a hospital providing emergency medical services by a professional qualified to perform an involuntary examination and is found as a result of that examination not to meet the criteria for involuntary outpatient placement pursuant to s. 394.4655(1) or involuntary inpatient placement pursuant to s. 394.467(1), the patient may be offered voluntary placement, if appropriate, or released directly from the hospital providing emergency medical services. The finding by the professional that the patient has been examined and does not meet the criteria for involuntary inpatient placement or involuntary outpatient placement must be entered into the patient's clinical record. Nothing in this paragraph is intended to prevent A hospital providing emergency medical services may transfer an individual from appropriately transferring a patient to another hospital before prior to stabilization if, provided the requirements of s. 395.1041(3)(c) are have been met. One of the following actions must occur within 12 hours after a physician documents that the individual's emergency medical condition has stabilized or does not exist:~~

~~(h) One of the following must occur within 12 hours after the patient's attending physician documents that the patient's medical condition has stabilized or that an emergency medical condition does not exist:~~

1. The individual shall be examined by a physician, psychiatric nurse, or psychologist and, if found not to meet the criteria for involuntary examination under to this section, shall be released directly from the hospital providing the emergency medical services. The results of the examination, including the final disposition, shall be entered into the clinical record; or

2. The individual shall be transferred to a receiving facility for examination if appropriate medical and mental health treatment is available. However, the receiving facility must be notified of the transfer within 2 hours after the individual's condition has been stabilized or after determination that an emergency medical condition does not exist. ~~The patient must be examined by a designated receiving facility and released; or~~

~~2. The patient must be transferred to a designated receiving facility in which appropriate medical treatment is available. However, the receiving facility must be notified of the transfer within 2 hours after the patient's condition has been stabilized or after determination that an emergency medical condition does not exist.~~

~~(i) Within the 72-hour examination period or, if the 72 hours ends on a weekend or holiday, no later than the next working day thereafter, one of the following actions must be taken, based on the individual needs of the patient:~~

~~1. The patient shall be released, unless he or she is charged with a crime, in which case the patient shall be returned to the custody of a law enforcement officer;~~

~~2. The patient shall be released, subject to the provisions of subparagraph 1., for voluntary outpatient treatment;~~

~~3. The patient, unless he or she is charged with a crime, shall be asked to give express and informed consent to placement as a voluntary patient, and, if such consent is given, the patient shall be admitted as a voluntary patient; or~~

~~4. A petition for involuntary placement shall be filed in the circuit court when outpatient or inpatient treatment is deemed necessary. When inpatient treatment is deemed necessary, the least restrictive treatment consistent with the optimum improvement of the patient's condition shall be made available. When a petition is to be filed for involuntary outpatient placement, it shall be filed by one of the petitioners specified in s. 394.4655(3)(a). A petition for involuntary inpatient placement shall be filed by the facility administrator.~~

(3) NOTICE OF RELEASE.—Notice of the release shall be given to the individual's ~~patient's~~ guardian, health care surrogate or proxy, or representative, to any person who executed a certificate admitting the individual ~~patient~~ to the receiving facility, and to any court that ~~which~~ ordered the individual's examination ~~patient's evaluation~~.

Section 19. Effective July 1, 2016, section 394.4655, Florida Statutes, is amended to read:

394.4655 Involuntary outpatient placement.—

(1) CRITERIA FOR INVOLUNTARY OUTPATIENT PLACEMENT.—An individual ~~A person~~ may be ordered to involuntary outpatient placement upon a finding of the court ~~that~~ by clear and convincing evidence that:

(a) The individual is an adult ~~person is 18 years of age or older;~~

(b) The individual ~~person~~ has a mental illness or substance abuse impairment;

(c) The individual ~~person~~ is unlikely to survive safely in the community without supervision, based on a clinical determination;

(d) The individual ~~person~~ has a history of lack of compliance with treatment for mental illness or substance abuse impairment;

(e) The individual ~~person~~ has:

1. ~~Within~~ At least twice ~~within~~ the immediately preceding 36 months, been involuntarily admitted to a receiving or treatment facility ~~as defined in s. 394.455~~, or has received mental health or substance abuse services in a forensic or correctional facility. The 36-month period does not include any period during which the individual ~~person~~ was admitted or incarcerated; or

2. Engaged in one or more acts of serious violent behavior toward self or others, or attempts at serious bodily harm to himself or herself or others, within the preceding 36 months;

(f) ~~Due to~~ The person is, as a result of his or her mental illness or substance abuse impairment, the individual is; unlikely to voluntarily participate in the recommended treatment plan and ~~either he or she~~ has refused voluntary placement for treatment after sufficient and conscientious explanation and disclosure of the purpose of placement for treatment or ~~he or she~~ is unable to determine for himself or herself whether placement is necessary;

(g) In view of the individual's ~~person's~~ treatment history and current behavior, the individual ~~person~~ is in need of involuntary outpatient placement in order to prevent a relapse or deterioration that would be likely to result in serious bodily harm to ~~self himself or herself~~ or others, or a substantial harm to his or her well-being as set forth in s. 394.463(1);

(h) It is likely that the individual ~~person~~ will benefit from involuntary outpatient placement; and

(i) All available, less restrictive alternatives that ~~would~~ offer an opportunity for improvement of his or her condition have been judged to be inappropriate or unavailable.

(2) INVOLUNTARY OUTPATIENT PLACEMENT.—

~~(a) An individual A patient~~ who is being recommended for involuntary outpatient placement by the administrator of the receiving facility where ~~he or she the patient~~ has been examined may be retained by the facility after adherence to the notice procedures provided in s. 394.4599.

1. The recommendation must be supported by the opinion of a psychiatrist and the second opinion of a ~~clinical~~ psychologist or another psychiatrist, both of whom have personally examined the ~~individual patient~~ within the preceding 72 hours, that the criteria for involuntary outpatient placement are met. However, in a county having a population of fewer than 50,000, if the administrator certifies that a psychiatrist or clinical psychologist is not available to provide the second opinion, the second opinion may be provided by a ~~licensed~~ physician who has postgraduate training and experience in diagnosis and treatment of mental and nervous disorders or by a psychiatric nurse. Any second opinion authorized in this subparagraph may be conducted through a face-to-face examination, in person or by electronic means. Such recommendation must be entered on an involuntary outpatient placement certificate that authorizes the receiving facility to retain the ~~individual patient~~ pending completion of a hearing. The certificate shall be made a part of the patient's clinical record.

2. If the ~~individual patient~~ has been stabilized and no longer meets the criteria for involuntary examination pursuant to s. 394.463(1), ~~he or she the patient~~ must be released from the receiving facility while awaiting the hearing for involuntary outpatient placement.

3. Before filing a petition for involuntary outpatient treatment, the administrator of ~~the a~~ receiving facility or a designated department representative must identify the service provider that will have primary responsibility for service provision under an order for involuntary outpatient placement, unless the ~~individual person~~ is otherwise participating in outpatient psychiatric treatment and is not in need of public financing for that treatment, in which case the individual, if eligible, may be ordered to involuntary treatment pursuant to the existing psychiatric treatment relationship.

~~4. The service provider shall prepare a written proposed treatment plan in consultation with the individual being held patient or his or her the patient's guardian advocate, if appointed, for the court's consideration for inclusion in the involuntary outpatient placement order. The service provider shall also provide a copy of the proposed treatment plan to the individual patient and the administrator of the receiving facility. The treatment plan must specify the nature and extent of the individual's patient's mental illness or substance abuse impairment, address the reduction of symptoms that necessitate involuntary outpatient placement, and include measurable goals and objectives for the services and treatment that are provided to treat the individual's person's mental illness or substance abuse impairment and assist the individual person in living and functioning in the community or to prevent a relapse or deterioration. Service providers may select and supervise other providers individuals to implement specific aspects of the treatment plan. The services in the treatment plan must be deemed clinically appropriate by a physician, clinical psychologist, psychiatric nurse, mental health counselor, marriage and family therapist, or clinical social worker who consults with, or is employed or contracted by, the service provider. The service provider must certify to the court in the proposed treatment plan whether sufficient services for improvement and stabilization are currently available and whether the service provider agrees to provide those services. If the service provider certifies that the services in the proposed treatment plan are not available, the petitioner may not file the petition.~~

(b) If an ~~individual a patient~~ in involuntary inpatient placement meets the criteria for involuntary outpatient placement, the administrator of the treatment facility may, before the expiration of the period during which the treatment facility is authorized to retain the ~~individual patient~~, recommend involuntary outpatient placement.

1. The recommendation must be supported by the opinion of a psychiatrist and the second opinion of a ~~clinical~~ psychologist or another psychiatrist, both of whom have personally examined the ~~individual~~

~~patient~~ within the preceding 72 hours, that the criteria for involuntary outpatient placement are met. However, in a county having a population of fewer than 50,000, if the administrator certifies that a psychiatrist or ~~clinical~~ psychologist is not available to provide the second opinion, the second opinion may be provided by a licensed physician who has postgraduate training and experience in diagnosis and treatment of mental and nervous disorders or by a psychiatric nurse. Any second opinion authorized in this subparagraph may be conducted through a face-to-face examination, in person or by electronic means. Such recommendation must be entered on an involuntary outpatient placement certificate, and the certificate must be made a part of the ~~individual's patient's~~ clinical record.

~~2.(c) The administrator of the treatment facility shall provide a copy of the involuntary outpatient placement certificate and a copy of the state mental health discharge form to a department representative in the county where the individual patient will be residing. For persons who are leaving a state mental health treatment facility, the petition for involuntary outpatient placement must be filed in the county where the patient will be residing.~~

~~3. The service provider that will have primary responsibility for service provision shall be identified by the designated department representative prior to the order for involuntary outpatient placement and must, before prior to filing a petition for involuntary outpatient placement, certify to the court whether the services recommended in the individual's patient's discharge plan are available in the local community and whether the service provider agrees to provide those services. The service provider must develop with the individual patient, or the patient's guardian advocate, if one is appointed, a treatment or service plan that addresses the needs identified in the discharge plan. The plan must be deemed to be clinically appropriate by a physician, clinical psychologist, psychiatric nurse, mental health counselor, marriage and family therapist, or clinical social worker, as defined in this chapter, who consults with, or is employed or contracted by, the service provider.~~

~~3. If the service provider certifies that the services in the proposed treatment or service plan are not available, the petitioner may not file the petition.~~

(3) PETITION FOR INVOLUNTARY OUTPATIENT PLACEMENT.—

(a) A petition for involuntary outpatient placement may be filed by:

1. The administrator of a mental health receiving facility, an addiction receiving facility, or a detoxification facility; or
2. The administrator of a treatment facility.

(b) Each required criterion for involuntary outpatient placement must be alleged and substantiated in the petition for involuntary outpatient placement. A copy of the certificate recommending involuntary outpatient placement completed by a qualified professional specified in subsection (2) must be attached to the petition. A copy of the proposed treatment plan must be attached to the petition. Before the petition is filed, the service provider shall certify that the services in the proposed treatment plan are available. If the necessary services are not available in the ~~patient's~~ local community where the individual will reside to ~~respond to the person's individual needs~~, the petition may not be filed.

(c) A ~~The~~ petition for involuntary outpatient placement must be filed in the county where the ~~individual who is the subject of the petition patient~~ is located, unless the ~~individual patient~~ is being placed from a state treatment facility, in which case the petition must be filed in the county where the ~~individual patient~~ will reside. When the petition is ~~has been~~ filed, the clerk of the court shall provide copies of the petition and the proposed treatment plan to the department, the ~~individual patient~~, the ~~individual's patient's~~ guardian, guardian advocate, health care surrogate or proxy, or representative, the state attorney, and the public defender or the ~~individual's patient's~~ private counsel. A fee may not be charged for filing a petition under this subsection.

(4) APPOINTMENT OF COUNSEL.—Within 1 court working day after ~~the~~ filing of a petition for involuntary outpatient placement, the court shall appoint the public defender to represent the ~~individual person~~ who is the subject of the petition, unless the ~~individual person~~ is otherwise represented by counsel. The clerk of the court shall im-

mediately notify the public defender of the appointment. The public defender shall represent the *individual person* until the petition is dismissed, the court order expires, or the *individual patient* is discharged from involuntary outpatient placement. An attorney who represents the *individual patient* shall have access to the *individual patient*, witnesses, and records relevant to the presentation of the *individual's patient's* case and shall represent the interests of the *individual patient*, regardless of the source of payment to the attorney. *An attorney representing an individual in proceedings under this part shall advocate the individual's expressed desires and must be present and actively participate in all hearings on involuntary placement.*

(5) CONTINUANCE OF HEARING.—The *individual patient* is entitled, with the concurrence of the *individual's patient's* counsel, to at least one continuance of the hearing. The continuance shall be for a period of up to 4 weeks.

(6) HEARING ON INVOLUNTARY OUTPATIENT PLACEMENT.—

(a)1- The court shall hold the hearing on involuntary outpatient placement within 5 *court* working days after the filing of the petition, unless a continuance is granted. The hearing shall be held in the county where the petition is filed, ~~shall~~ be as convenient to the *individual who is the subject of the petition patient* as is consistent with orderly procedure, and ~~shall~~ be conducted in physical settings not likely to be injurious to the *individual's patient's* condition. If the court finds that the *individual's patient's* attendance at the hearing is not consistent with the best interests of the *individual patient* and if the *individual's patient's* counsel does not object, the court may waive the presence of the *individual patient* from all or any portion of the hearing. The state attorney for the circuit in which the *individual patient* is located shall represent the state, rather than the petitioner, as the real party in interest in the proceeding. *The state attorney shall have access to the individual's clinical record and witnesses and shall independently evaluate the allegations set forth in the petition for involuntary placement. If the allegations are substantiated, the state attorney shall prosecute the petition. If the allegations are not substantiated, the state attorney shall withdraw the petition.*

(b)2- The court may appoint a *magistrate master* to preside at the hearing. One of the professionals who executed the involuntary outpatient placement certificate shall be a witness. The *individual who is the subject of the petition patient* and his or her ~~the patient's~~ guardian, guardian advocate, health care surrogate or proxy, or representative shall be informed by the court of the right to an independent expert examination. If the *individual patient* cannot afford such an examination, the court shall provide for one. The independent expert's report ~~is~~ shall be confidential and not discoverable, unless the expert is ~~to be~~ called as a witness for the *individual patient* at the hearing. The court shall allow testimony from *persons individuals*, including family members, deemed by the court to be relevant ~~under state law~~, regarding the *individual's person's* prior history and how that ~~prior~~ history relates to the *individual's person's* current condition. The testimony in the hearing must be given under oath, and the proceedings must be recorded. The *individual patient* may refuse to testify at the hearing.

(c) *The court shall consider testimony and evidence regarding the competence of the individual being held to consent to treatment. If the court finds that the individual is incompetent to consent, it shall appoint a guardian advocate as provided in s. 394.4598.*

(7) COURT ORDER.—

(a)1- If the court concludes that the *individual who is the subject of the petition patient* meets the criteria for involuntary outpatient placement ~~under~~ pursuant to subsection (1), the court shall issue an order for involuntary outpatient placement. The court order ~~may~~ shall be for a ~~period of~~ up to 6 months. The order must specify the nature and extent of the *individual's patient's* mental illness or *substance abuse impairment*. The court order of the court and the treatment plan ~~must~~ shall be made part of the *individual's patient's* clinical record. The service provider shall discharge an *individual a patient* from involuntary outpatient placement when the order expires or any time the *individual patient* no longer meets the criteria for involuntary placement. Upon discharge, the service provider shall send a certificate of discharge to the court.

(b)2- The court may not order the department or the service provider to provide services if the program or service is not available in the ~~patient's~~ local community of the *individual being served*, if there is no space available in the program or service for the *individual patient*, or if funding is not available for the program or service. A copy of the order must be sent to the Agency for Health Care Administration by the service provider within 1 working day after it is received from the court. After the placement order is issued, the service provider and the *individual patient* may modify ~~provisions of~~ the treatment plan. For any material modification of the treatment plan to which the *individual patient* or the *individual's patient's* guardian advocate, if appointed, does agree, the service provider shall send notice of the modification to the court. Any material modifications of the treatment plan which are contested by the *individual patient* or the *individual's patient's* guardian advocate, if appointed, must be approved or disapproved by the court consistent with *the requirements of subsection (2)*.

(c)2- If, in the clinical judgment of a physician, the *individual being served patient* has failed or has refused to comply with the treatment ordered by the court, and, in the clinical judgment of the physician, efforts were made to solicit compliance and the *individual patient* may meet the criteria for involuntary examination, *the individual a person* may be brought to a receiving facility pursuant to s. 394.463 for *involuntary examination*. If, after examination, the *individual patient* does not meet the criteria for involuntary inpatient placement pursuant to s. 394.467, the *individual patient* must be discharged from the receiving facility. The involuntary outpatient placement order ~~remains~~ shall remain in effect unless the service provider determines that the *individual patient* no longer meets the criteria for involuntary outpatient placement or until the order expires. The service provider must determine whether modifications should be made to the existing treatment plan and must attempt to continue to engage the *individual patient* in treatment. For any material modification of the treatment plan to which the *individual patient* or the *individual's patient's* guardian advocate, if appointed, ~~agrees~~ does agree, the service provider shall send notice of the modification to the court. Any material modifications of the treatment plan which are contested by the *individual patient* or the *individual's patient's* guardian advocate, if appointed, must be approved or disapproved by the court consistent with *the requirements of subsection (2)*.

(d)1- If, at any time before the conclusion of the initial hearing on involuntary outpatient placement, it appears to the court that the *individual person* does not meet the criteria for involuntary outpatient placement under this section but, ~~instead,~~ meets the criteria for involuntary inpatient placement, the court may order the *individual person* admitted for involuntary inpatient examination under s. 394.463. ~~If the person instead meets the criteria for involuntary assessment, protective custody, or involuntary admission pursuant to s. 397.675, the court may order the person to be admitted for involuntary assessment for a period of 5 days pursuant to s. 397.6811. Thereafter, all proceedings shall be governed by chapter 397.~~

(d) At the hearing on involuntary outpatient placement, the court shall consider testimony and evidence regarding the patient's competence to consent to treatment. If the court finds that the patient is incompetent to consent to treatment, it shall appoint a guardian advocate as provided in s. 394.4598. The guardian advocate shall be appointed or discharged in accordance with s. 394.4598.

(e) The administrator of the receiving facility, the detoxification facility, or the designated department representative shall provide a copy of the court order and adequate documentation of an *individual's a patient's* mental illness or *substance abuse impairment* to the service provider for involuntary outpatient placement. Such documentation must include any advance directives made by the *individual patient*, a psychiatric evaluation of the *individual patient*, and any evaluations of the *individual patient* performed by a ~~clinical~~ psychologist or a clinical social worker.

(8)7) PROCEDURE FOR CONTINUED INVOLUNTARY OUTPATIENT PLACEMENT.—

(a)1- If the *individual person* continues to meet the criteria for involuntary outpatient placement, the service provider shall, before the expiration of the period during which the *placement treatment* is ordered ~~for the person~~, file in the circuit court a petition for continued involuntary outpatient placement.

1.2. The existing involuntary outpatient placement order remains in effect until disposition of ~~on~~ the petition for continued involuntary outpatient placement.

2.3. A certificate ~~must shall~~ be attached to the petition which includes a statement from the ~~individual's person's~~ physician or ~~clinical~~ psychologist justifying the request, a brief description of the ~~individual's patient's~~ treatment during the time he or she was involuntarily placed, and a ~~personalized an individualized~~ plan of continued treatment.

3.4. The service provider shall develop the ~~individualized~~ plan of continued treatment in consultation with the ~~individual patient~~ or ~~his or her the patient's~~ guardian advocate, if appointed. When the petition has been filed, the clerk of the court shall provide copies of the certificate and the ~~individualized~~ plan of continued treatment to the department, the ~~individual patient~~, the ~~individual's patient's~~ guardian advocate, the state attorney, and the ~~individual's patient's~~ private counsel or the public defender.

(b) Within 1 court working day after the filing of a petition for continued involuntary outpatient placement, the court shall appoint the public defender to represent the ~~individual person~~ who is the subject of the petition, unless the ~~individual person~~ is otherwise represented by counsel. The clerk of the court shall immediately notify the public defender of such appointment. The public defender shall represent the ~~individual person~~ until the petition is dismissed, ~~or~~ the court order expires, or the ~~individual patient~~ is discharged from involuntary outpatient placement. Any attorney representing the ~~individual patient~~ shall have access to the ~~individual patient~~, witnesses, and records relevant to the presentation of the ~~individual's patient's~~ case and shall represent the interests of the ~~individual patient~~, regardless of the source of payment to the attorney.

(c) *The court shall inform the individual who is the subject of the petition and his or her guardian, guardian advocate, health care surrogate or proxy, or representative of the individual's right to an independent expert examination. If the individual cannot afford such an examination, the court shall provide one.*

(d)(e) Hearings on petitions for continued involuntary outpatient placement ~~are shall be~~ before the circuit court. The court may appoint a ~~magistrate master~~ to preside at the hearing. The procedures for obtaining an order pursuant to this paragraph ~~must shall~~ be in accordance with subsection (6), except that the time period included in paragraph (1)(c) is not applicable in determining the appropriateness of additional periods of involuntary outpatient placement.

(e)(d) Notice of the hearing shall be provided in ~~accordance with as set forth in~~ s. 394.4599. The ~~individual being served patient~~ and the ~~individual's patient's~~ attorney may agree to a period of continued outpatient placement without a court hearing.

(f)(e) The same procedure shall be repeated before the expiration of each additional period the ~~individual being served patient~~ is placed in treatment.

(g)(f) If the ~~individual in involuntary outpatient placement patient~~ has previously been found incompetent to consent to treatment, the court shall consider testimony and evidence regarding the ~~individual's patient's~~ competence. Section 394.4598 governs the discharge of the guardian advocate if the ~~individual's patient's~~ competency to consent to treatment has been restored.

Section 20. Effective on July 1, 2016, section 394.467, Florida Statutes, is amended to read:

394.467 Involuntary inpatient placement.—

(1) CRITERIA.—*An individual A person* may be placed in involuntary inpatient placement for treatment upon a finding of the court by clear and convincing evidence that:

(a) He or she ~~has a mental illness or substance abuse impairment is mentally ill~~ and because of his or her mental illness or ~~substance abuse impairment~~:

1.a. He or she has refused voluntary placement for treatment after sufficient and conscientious explanation and disclosure of the purpose of placement for treatment; or

b. He or she is unable to determine for himself or herself whether placement is necessary; and

2.a. He or she is manifestly incapable of surviving alone or with the help of willing and responsible family or friends, including available alternative services, and, without treatment, is likely to suffer from neglect or refuse to care for himself or herself, and such neglect or refusal poses a real and present threat of substantial harm to his or her well-being; or

b. There is substantial likelihood that in the near future he or she will inflict serious bodily harm on ~~self or others himself or herself or another person~~, as evidenced by recent behavior causing, attempting, or threatening such harm; and

(b) All available less restrictive treatment alternatives ~~that which would~~ offer an opportunity for improvement of his or her condition have been judged to be inappropriate.

(2) ADMISSION TO A TREATMENT FACILITY.—*An individual A patient* may be retained by a *mental health receiving facility, an addictions receiving facility, or a detoxification facility*, or involuntarily placed in a treatment facility upon the recommendation of the administrator of the receiving facility where the ~~individual patient~~ has been examined and after adherence to the notice and hearing procedures provided in s. 394.4599. The recommendation must be supported by the opinion of a psychiatrist and the second opinion of a ~~clinical~~ psychologist or another psychiatrist, both of whom have personally examined the ~~individual patient~~ within the preceding 72 hours, that the criteria for involuntary inpatient placement are met. However, in a county that has a population of fewer than 50,000, if the administrator certifies that a psychiatrist or ~~clinical~~ psychologist is not available to provide the second opinion, the second opinion may be provided by a licensed physician who has postgraduate training and experience in diagnosis and treatment of mental and nervous disorders or by a psychiatric nurse. *If the petition seeks placement for treatment of substance abuse impairment only and the individual is examined by an addictions receiving facility or detoxification facility, the first opinion may be provided by a physician, and the second opinion may be provided by a qualified professional with respect to substance abuse treatment.* Any second opinion authorized in this subsection may be conducted through a face-to-face examination, in person or by electronic means. Such recommendation ~~must shall~~ be entered on an involuntary inpatient placement certificate that authorizes the receiving facility to retain the ~~individual being held patient~~ pending transfer to a treatment facility or completion of a hearing.

(3) PETITION FOR INVOLUNTARY INPATIENT PLACEMENT.—The administrator of the *mental health facility, addictions receiving facility, or detoxification facility* shall file a petition for involuntary inpatient placement in the court in the county where the ~~individual patient~~ is located. Upon filing, the clerk of the court shall provide copies to the department, the ~~individual patient~~, the ~~individual's patient's~~ guardian, *guardian advocate, health care surrogate or proxy*, or representative, and the state attorney and public defender of the judicial circuit in which the ~~individual patient~~ is located. ~~A No fee may not shall~~ be charged for the filing of a petition under this subsection.

(4) APPOINTMENT OF COUNSEL.—Within 1 court working day after the filing of a petition for involuntary inpatient placement, the court shall appoint the public defender to represent the ~~individual person~~ who is the subject of the petition, unless the ~~individual person~~ is otherwise represented by counsel. The clerk of the court shall immediately notify the public defender of such appointment. Any attorney representing the ~~individual patient~~ shall have access to the ~~individual patient~~, witnesses, and records relevant to the presentation of the ~~individual's patient's~~ case and shall represent the interests of the ~~individual patient~~, regardless of the source of payment to the attorney.

(a) *An attorney representing an individual in proceedings under this part shall advocate the individual's expressed desires and must be present and actively participate in all hearings on involuntary placement.*

(b) *The state attorney for the judicial circuit in which the individual is located shall represent the state rather than the petitioning facility administrator as the real party in interest in the proceeding. The state attorney shall have access to the individual's clinical record and witnesses and shall independently evaluate the allegations set forth in the petition for involuntary placement. If the allegations are substantiated, the state*

attorney shall prosecute the petition. If the allegations are not substantiated, the state attorney shall withdraw the petition.

(5) CONTINUANCE OF HEARING.—The individual patient is entitled, with the concurrence of the individual's patient's counsel, to at least one continuance of the hearing. The continuance shall be for a period of up to 4 weeks.

(6) HEARING ON INVOLUNTARY INPATIENT PLACEMENT.—

(a) The court shall hold the hearing on involuntary inpatient placement within 5 court working days after the petition is filed, unless a continuance is granted.

1. The hearing shall be held in the county where the individual patient is located and shall be as convenient to the individual patient as may be consistent with orderly procedure and shall be conducted in physical settings not likely to be injurious to the individual's patient's condition. If the individual wishes to waive his or her court finds that the patient's attendance at the hearing, the court must determine that the attendance is knowingly, intelligently, and voluntarily being waived and is not consistent with the best interests of the patient, and the patient's counsel does not object, the court may waive the presence of the individual patient from all or any portion of the hearing. The state attorney for the circuit in which the patient is located shall represent the state, rather than the petitioning facility administrator, as the real party in interest in the proceeding.

2. The court may appoint a general or special magistrate to preside at the hearing. One of the two professionals who executed the involuntary inpatient placement certificate shall be a witness. The individual patient and the individual's patient's guardian, guardian advocate, health care surrogate or proxy, or representative shall be informed by the court of the right to an independent expert examination. If the individual patient cannot afford such an examination, the court shall provide for one. The independent expert's report is shall be confidential and not discoverable, unless the expert is to be called as a witness for the individual patient at the hearing. The testimony in the hearing must be given under oath, and the proceedings must be recorded. The individual patient may refuse to testify at the hearing.

3. The court shall allow testimony from persons, including family members, deemed by the court to be relevant regarding the individual's prior history and how that prior history relates to the individual's current condition.

(b) If the court concludes that the individual patient meets the criteria for involuntary inpatient placement, it shall order that the individual patient be transferred to a treatment facility or, if the individual patient is at a treatment facility, that the individual patient be retained there or be treated at any other appropriate mental health receiving facility, addictions receiving facility, detoxification facility, or treatment facility, or that the individual patient receive services from such a facility a receiving or treatment facility, on an involuntary basis, for up to 90 days a period of up to 6 months. The order shall specify the nature and extent of the individual's patient's mental illness or substance abuse impairment. The court may not order an individual with traumatic brain injury or dementia who lacks a co-occurring mental illness to be involuntarily placed in a state treatment facility. The facility shall discharge the individual at a patient any time the individual patient no longer meets the criteria for involuntary inpatient placement, unless the individual patient has transferred to voluntary status.

(c) If at any time before prior to the conclusion of the hearing on involuntary inpatient placement it appears to the court that the individual person does not meet the criteria for involuntary inpatient placement under this section, but instead meets the criteria for involuntary outpatient placement, the court may order the individual person evaluated for involuntary outpatient placement pursuant to s. 394.4655, and the petition and hearing procedures set forth in s. 394.4655 shall apply. If the person instead meets the criteria for involuntary assessment, protective custody, or involuntary admission pursuant to s. 397.675, then the court may order the person to be admitted for involuntary assessment for a period of 5 days pursuant to s. 397.6811. Thereafter, all proceedings shall be governed by chapter 397.

(d) At the hearing on involuntary inpatient placement, the court shall consider testimony and evidence regarding the individual's pa-

tient's competence to consent to treatment. If the court finds that the individual patient is incompetent to consent to treatment, it shall appoint a guardian advocate as provided in s. 394.4598.

(e) The administrator of the petitioning receiving facility shall provide a copy of the court order and adequate documentation of the individual's a patient's mental illness or substance abuse impairment to the administrator of a treatment facility if the individual whenever a patient is ordered for involuntary inpatient placement, whether by civil or criminal court. The documentation must shall include any advance directives made by the individual patient, a psychiatric evaluation of the individual patient, and any evaluations of the individual patient performed by a clinical psychologist, a marriage and family therapist, a mental health counselor, a substance abuse qualified professional or a clinical social worker. The administrator of a treatment facility may refuse admission to an individual any patient directed to its facilities on an involuntary basis, whether by civil or criminal court order, who is not accompanied at the same time by adequate orders and documentation.

(7) PROCEDURE FOR CONTINUED INVOLUNTARY INPATIENT PLACEMENT.—

(a) Hearings on petitions for continued involuntary inpatient placement shall be administrative hearings and shall be conducted in accordance with the provisions of s. 120.57(1), except that an any order entered by an the administrative law judge is shall be final and subject to judicial review in accordance with s. 120.68. Orders concerning an individual patients committed after successfully pleading not guilty by reason of insanity are shall be governed by the provisions of s. 916.15.

(b) If the individual patient continues to meet the criteria for involuntary inpatient placement, the administrator shall, before prior to the expiration of the period during which the treatment facility is authorized to retain the individual patient, file a petition requesting authorization for continued involuntary inpatient placement. The request must shall be accompanied by a statement from the individual's patient's physician or clinical psychologist justifying the request, a brief description of the individual's patient's treatment during the time he or she was involuntarily placed, and a personalized an individualized plan of continued treatment. Notice of the hearing must shall be provided as set forth in s. 394.4599. If at the hearing the administrative law judge finds that attendance at the hearing is not consistent with the individual's best interests of the patient, the administrative law judge may waive the presence of the individual patient from all or any portion of the hearing, unless the individual patient, through counsel, objects to the waiver of presence. The testimony in the hearing must be under oath, and the proceedings must be recorded.

(c) Unless the individual patient is otherwise represented or is ineligible, he or she shall be represented at the hearing on the petition for continued involuntary inpatient placement by the public defender of the circuit in which the facility is located.

(d) The Division of Administrative Hearings shall inform the individual and his or her guardian, guardian advocate, health care surrogate or proxy, or representative of the right to an independent expert examination. If the individual cannot afford such an examination, the court shall provide one.

(e)(d) If at a hearing it is shown that the individual patient continues to meet the criteria for involuntary inpatient placement, the administrative law judge shall sign the order for continued involuntary inpatient placement for a period of up to 90 days not to exceed 6 months. The same procedure must shall be repeated prior to the expiration of each additional period the individual patient is retained.

(f)(e) If continued involuntary inpatient placement is necessary for an individual a patient admitted while serving a criminal sentence; but whose sentence is about to expire, or for a minor patient involuntarily placed while a minor but who is about to reach the age of 18, the administrator shall petition the administrative law judge for an order authorizing continued involuntary inpatient placement.

(g)(f) If the individual previously patient has been previously found incompetent to consent to treatment, the administrative law judge shall consider testimony and evidence regarding the individual's patient's competence. If the administrative law judge finds evidence that the individual patient is now competent to consent to treatment, the admin-

istrative law judge may issue a recommended order to the court that found the *individual patient* incompetent to consent to treatment that the *individual's patient's* competence be restored and that any guardian advocate previously appointed be discharged.

(8) **RETURN TO FACILITY OF PATIENTS.**—*If an individual held* ~~When a patient at a treatment facility involuntarily under this part leaves the facility without the administrator's authorization, the administrator may authorize a search for, the patient and the return of, the individual patient to the facility. The administrator may request the assistance of a law enforcement agency in the search for and return of the patient.~~

Section 21. Effective July 1, 2016, section 394.4672, Florida Statutes, is amended to read:

394.4672 Procedure for placement of veteran with federal agency.—

(1) *A facility owned, operated, or administered by the United States Department of Veterans Affairs which provides mental health services has authority as granted by the Department of Veterans' Affairs to:*

(a) *Initiate and conduct involuntary examinations pursuant to s. 394.463.*

(b) *Provide voluntary treatment pursuant to s. 394.4625.*

(c) *Petition for involuntary inpatient placement pursuant to s. 394.467.*

(d) *Provide involuntary inpatient placement pursuant to this part.*

(2)(1) ~~If a~~ *Whenever it is determined by the court determines that an individual a person meets the criteria for involuntary placement and he or she it appears that such person is eligible for care or treatment by the United States Department of Veterans Affairs or another other agency of the United States Government, the court, upon receipt of a certificate from the United States Department of Veterans Affairs or such other agency showing that facilities are available and that the individual person is eligible for care or treatment therein, may place that individual person with the United States Department of Veterans Affairs or other federal agency. The individual person whose placement is sought shall be personally served with notice of the pending placement proceeding in the manner as provided in this part, and nothing in This section does not shall affect the individual's his or her right to appear and be heard in the proceeding. Upon placement, the individual is person shall be subject to the rules and regulations of the United States Department of Veterans Affairs or other federal agency.*

(3)(2) ~~The judgment or order of placement issued by a court of competent jurisdiction of another state or of the District of Columbia which places an individual, placing a person with the United States Department of Veterans Affairs or other federal agency for care or treatment has, shall have the same force and effect in this state as in the jurisdiction of the court entering the judgment or making the order; and The courts of the placing state or of the District of Columbia shall retain be deemed to have retained jurisdiction of the individual person so placed. Consent is hereby given to the application of the law of the placing state or district with respect to the authority of the chief officer of any facility of the United States Department of Veterans Affairs or other federal agency operated in this state to retain custody or to transfer, parole, or discharge the individual person.~~

(4)(3) ~~Upon receipt of a certificate of the United States Department of Veterans Affairs or another such other federal agency that facilities are available for the care or treatment of individuals who have mental illness or substance abuse impairment mentally ill persons and that an individual the person is eligible for that care or treatment, the administrator of the receiving or treatment facility may cause the transfer of that individual person to the United States Department of Veterans Affairs or other federal agency. Upon effecting such transfer, the committing court shall be notified by the transferring agency. An individual may not No person shall be transferred to the United States Department of Veterans Affairs or other federal agency if he or she is confined pursuant to the conviction of any felony or misdemeanor or if he or she has been acquitted of the charge solely on the ground of insanity, unless prior to transfer the court placing the individual such person enters an~~

order for the transfer after appropriate motion and hearing and without objection by the United States Department of Veterans Affairs.

(5)(4) ~~An individual Any person~~ transferred as provided in this section is ~~shall be~~ deemed to be placed with the United States Department of Veterans Affairs or other federal agency pursuant to the original placement.

Section 22. Section 394.47891, Florida Statutes, is amended to read:

394.47891 Military veterans and servicemembers court programs.— The chief judge of each judicial circuit may establish a Military Veterans and Servicemembers Court Program under which veterans, as defined in s. 1.01, *including veterans who were discharged or released under a general discharge*, and servicemembers, as defined in s. 250.01, who are convicted of a criminal offense and who suffer from a military-related mental illness, traumatic brain injury, substance abuse disorder, or psychological problem can be sentenced in accordance with chapter 921 in a manner that appropriately addresses the severity of the mental illness, traumatic brain injury, substance abuse disorder, or psychological problem through services tailored to the individual needs of the participant. Entry into any Military Veterans and Servicemembers Court Program must be based upon the sentencing court's assessment of the defendant's criminal history, military service, substance abuse treatment needs, mental health treatment needs, amenability to the services of the program, the recommendation of the state attorney and the victim, if any, and the defendant's agreement to enter the program.

Section 23. Section 394.47892, Florida Statutes, is created to read:

394.47892 Treatment-based mental health court programs.—

(1) *Each county may fund a treatment-based mental health court program under which individuals in the justice system assessed with a mental illness will be processed in such a manner as to appropriately address the severity of the identified mental health problem through treatment services tailored to the individual needs of the participant. The Legislature intends to encourage the Department of Corrections, the Department of Children and Families, the Department of Juvenile Justice, the Department of Health, the Department of Law Enforcement, the Department of Education, and such agencies, local governments, law enforcement agencies, other interested public or private sources, and individuals to support the creation and establishment of these problem-solving court programs. Participation in the treatment-based mental health court programs does not divest any public or private agency of its responsibility for a child or adult, but enables these agencies to better meet their needs through shared responsibility and resources.*

(2) *Entry into any pretrial treatment-based mental health court program is voluntary.*

(3)(a) *Entry into any postadjudicatory treatment-based mental health court program as a condition of probation or community control pursuant to s. 948.01 or s. 948.06 must be based upon the sentencing court's assessment of the defendant's criminal history, mental health screening outcome, amenability to the services of the program, the recommendation of the state attorney and the victim, if any, and the defendant's agreement to enter the program.*

(b) *An offender who is sentenced to a postadjudicatory treatment-based mental health court program and who, while a mental health court program participant, is the subject of a violation of probation or community control under s. 948.06 shall have the violation of probation or community control heard by the judge presiding over the postadjudicatory treatment-based mental health court program. The judge shall dispose of any such violation, after a hearing on or admission of the violation, as he or she deems appropriate if the resulting sentence or conditions are lawful.*

(4) *Treatment-based mental health court programs may include pretrial intervention programs as provided in s. 948.08, treatment-based mental health court programs authorized in chapter 39, postadjudicatory programs as provided in ss. 948.01 and 948.06, and review of the status of compliance or noncompliance of sentenced offenders through a treatment-based mental health court program.*

(5) *Contingent upon an annual appropriation by the Legislature, each judicial circuit with a treatment-based mental health court program shall*

establish, at a minimum, one coordinator position for the treatment-based mental health court program within the state courts system to coordinate the responsibilities of the participating agencies and service providers. Each coordinator shall provide direct support to the treatment-based mental health court program by providing coordination between the multidisciplinary team and the judiciary, providing case management, monitoring compliance of the participants in the treatment-based mental health court program with court requirements, and providing program evaluation and accountability.

(6) If a county chooses to fund a treatment-based mental health court program, the county must secure funding from sources other than the state for those costs not otherwise assumed by the state pursuant to s. 29.004. However, this does not preclude a county from using treatment and other service funding provided through state executive branch agencies. Counties may provide, by interlocal agreement, for the collective funding of these programs.

(7) The chief judge of each judicial circuit may appoint an advisory committee for the treatment-based mental health court program. The committee shall be composed of the chief judge, or his or her designee, who shall serve as chair; the judge of the treatment-based mental health court program, if not otherwise designated by the chief judge as his or her designee; the state attorney, or his or her designee; the public defender, or his or her designee; the treatment-based mental health court program coordinators; community representatives; treatment representatives; and any other persons the chair finds are appropriate.

Section 24. Section 394.656, Florida Statutes, is amended to read:

394.656 Criminal Justice, Mental Health, and Substance Abuse Reinvestment Grant Program.—

(1) There is created within the Department of Children and Families the Criminal Justice, Mental Health, and Substance Abuse Reinvestment Grant Program. The purpose of the program is to provide funding to counties with which they can plan, implement, or expand initiatives that increase public safety, avert increased spending on criminal justice, and improve the accessibility and effectiveness of treatment services for adults and juveniles who have a mental illness, substance abuse disorder, or co-occurring mental health and substance abuse disorders and who are in, or at risk of entering, the criminal or juvenile justice systems.

(2) The department shall establish a Criminal Justice, Mental Health, and Substance Abuse Statewide Grant Policy Review Committee. The committee shall include:

- (a) One representative of the Department of Children and Families;
- (b) One representative of the Department of Corrections;
- (c) One representative of the Department of Juvenile Justice;
- (d) One representative of the Department of Elderly Affairs; ~~and~~
- (e) One representative of the Office of the State Courts Administrator;
- (f) One representative of the Department of Veterans' Affairs;
- (g) One representative of the Florida Sheriffs Association;
- (h) One representative of the Florida Police Chiefs Association;
- (i) One representative of the Florida Association of Counties;
- (j) One representative of the Florida Alcohol and Drug Abuse Association;
- (k) One representative of the Florida Association of Managing Entities;
- (l) One representative of the Florida Council for Community Mental Health; and
- (m) One administrator of a state-licensed limited mental health assisted living facility.

(3) The committee shall serve as the advisory body to review policy and funding issues that help reduce the impact of persons with mental illnesses and substance use disorders on communities, criminal justice agencies, and the court system. The committee shall advise the department in selecting priorities for grants and investing awarded grant moneys.

(4) The department shall create a grant review and selection committee that has experience in substance use and mental health disorders, community corrections, and law enforcement. To the extent possible, the ~~members of the~~ committee shall have expertise in ~~grant writing, grant reviewing,~~ and grant application scoring.

(5)(a) A county, or not-for-profit community provider, managing entity, or coordinated care organization designated by the county planning council or committee, as described in s. 394.657, may apply for a 1-year planning grant or a 3-year implementation or expansion grant. The purpose of the grants is to demonstrate that investment in treatment efforts related to mental illness, substance abuse disorders, or co-occurring mental health and substance abuse disorders results in a reduced demand on the resources of the judicial, corrections, juvenile detention, and health and social services systems.

(b) To be eligible to receive a 1-year planning grant or a 3-year implementation or expansion grant;

1. A county applicant must have a ~~county~~ planning council or committee that is in compliance with the membership requirements set forth in this section.

2. A not-for-profit community provider, managing entity, or coordinated care organization must be designated by the county planning council or committee and have written authorization to submit an application. A not-for-profit community provider, managing entity, or coordinated care organization must have written authorization for each application it submits.

(c) The department may award a 3-year implementation or expansion grant to an applicant who has not received a 1-year planning grant.

(d) The department may require an applicant to conduct sequential intercept mapping for a project. For purposes of this paragraph, the term "sequential intercept mapping" means a process for reviewing a local community's mental health, substance abuse, criminal justice, and related systems and identifying points of interceptions where interventions may be made to prevent an individual with a substance use disorder or mental illness from deeper involvement in the criminal justice system.

(6)(4) The grant review and selection committee shall select the grant recipients and notify the department of Children and Families in writing of the recipients' names of the applicants who have been selected by the ~~committee to receive a grant~~. Contingent upon the availability of funds and upon notification by the review committee of those applicants approved to receive planning, implementation, or expansion grants, the department of Children and Families may transfer funds appropriated for the grant program to a selected grant recipient ~~any county awarded a grant~~.

Section 25. Paragraph (a) of subsection (1) of section 394.875, Florida Statutes, is amended to read:

394.875 Crisis stabilization units, residential treatment facilities, and residential treatment centers for children and adolescents; authorized services; license required.—

(1)(a) The purpose of a crisis stabilization unit is to stabilize and redirect a client to the most appropriate and least restrictive community setting available, consistent with the client's needs. Crisis stabilization units may screen, assess, and admit for stabilization persons who present themselves to the unit and persons who are brought to the unit under s. 394.463. Clients may be provided 24-hour observation, medication prescribed by a physician or psychiatrist, and other appropriate services. Crisis stabilization units shall provide services regardless of the client's ability to pay ~~and shall be limited in size to a maximum of 30 beds~~.

Section 26. Section 765.4015, Florida Statutes, is created to read:

765.4015 Short title.—Sections 765.402-765.411 may be cited as the “Jennifer Act.”

Section 27. Section 765.402, Florida Statutes, is created to read:

765.402 Legislative findings.—

(1) The Legislature recognizes that an individual with capacity has the ability to control decisions relating to his or her own mental health care or substance abuse treatment. The Legislature finds that:

(a) Substance abuse and some mental illnesses cause individuals to fluctuate between capacity and incapacity;

(b) During periods when an individual’s capacity is unclear, the individual may be unable to provide informed consent necessary to access needed treatment;

(c) Early treatment may prevent an individual from becoming so ill that involuntary treatment is necessary; and

(d) Individuals with substance abuse impairment or mental illness need an established procedure to express their instructions and preferences for treatment and provide advance consent to or refusal of treatment. This procedure should be less expensive and less restrictive than guardianship.

(2) The Legislature further recognizes that:

(a) A mental health or substance abuse treatment advance directive must provide the individual with a full range of choices.

(b) For a mental health or substance abuse directive to be an effective tool, individuals must be able to choose how they want their directives to be applied, including the right of revocation, during periods when they are incompetent to consent to treatment.

(c) There must be a clear process so that treatment providers can abide by an individual’s treatment choices.

Section 28. Section 765.403, Florida Statutes, is created to read:

765.403 Definitions.—As used in this part, the term:

(1) “Adult” means any individual who has attained the age of majority or is an emancipated minor.

(2) “Capacity” means that an adult has not been found to be incapacitated pursuant to s. 394.463.

(3) “Health care facility” means a hospital, nursing home, hospice, home health agency, or health maintenance organization licensed in this state, or any facility subject to part I of chapter 394.

(4) “Incapacity” or “incompetent” means an adult who is:

(a) Unable to understand the nature, character, and anticipated results of proposed treatment or alternatives or the recognized serious possible risks, complications, and anticipated benefits of treatments and alternatives, including nontreatment;

(b) Physically or mentally unable to communicate a willful and knowing decision about mental health care or substance abuse treatment;

(c) Unable to communicate his or her understanding or treatment decisions; or

(d) Determined incompetent pursuant to s. 394.463.

(5) “Informed consent” means consent voluntarily given by a person after a sufficient explanation and disclosure of the subject matter involved to enable that person to have a general understanding of the treatment or procedure and the medically acceptable alternatives, including the substantial risks and hazards inherent in the proposed treatment or procedures or nontreatment, and to make knowing mental health care or substance abuse treatment decisions without coercion or undue influence.

(6) “Interested person” means, for the purposes of this chapter, any person who may reasonably be expected to be affected by the outcome of

the particular proceeding involved, including anyone interested in the welfare of an incapacitated person.

(7) “Mental health or substance abuse treatment advance directive” means a written document in which the principal makes a declaration of instructions or preferences or appoints a surrogate to make decisions on behalf of the principal regarding the principal’s mental health or substance abuse treatment, or both.

(8) “Mental health professional” means a psychiatrist, psychologist, psychiatric nurse, or social worker, and such other mental health professionals licensed pursuant to chapter 458, chapter 459, chapter 464, chapter 490, or chapter 491.

(9) “Principal” means a competent adult who executes a mental health or substance abuse treatment advance directive and on whose behalf mental health care or substance abuse treatment decisions are to be made.

(10) “Surrogate” means any competent adult expressly designated by a principal to make mental health care or substance abuse treatment decisions on behalf of the principal as set forth in the principal’s mental health or substance abuse treatment advance directive or self-binding arrangement as those terms are defined in this part.

Section 29. Section 765.405, Florida Statutes, is created to read:

765.405 Mental health or substance abuse treatment advance directive; execution; allowable provisions.—

(1) An adult with capacity may execute a mental health or substance abuse treatment advance directive.

(2) A directive executed in accordance with this section is presumed to be valid. The inability to honor one or more provisions of a directive does not affect the validity of the remaining provisions.

(3) A directive may include any provision relating to mental health or substance abuse treatment or the care of the principal. Without limitation, a directive may include:

(a) The principal’s preferences and instructions for mental health or substance abuse treatment.

(b) Consent to specific types of mental health or substance abuse treatment.

(c) Refusal to consent to specific types of mental health or substance abuse treatment.

(d) Descriptions of situations that may cause the principal to experience a mental health or substance abuse crisis.

(e) Suggested alternative responses that may supplement or be in lieu of direct mental health or substance abuse treatment, such as treatment approaches from other providers.

(f) The principal’s nomination of a guardian, limited guardian, or guardian advocate as provided chapter 744.

(4) A directive may be combined with or be independent of a nomination of a guardian, other durable power of attorney, or other advance directive.

Section 30. Section 765.406, Florida Statutes, is created to read:

765.406 Execution of a mental health or substance abuse advance directive; effective date; expiration.—

(1) A directive must:

(a) Be in writing.

(b) Contain language that clearly indicates that the principal intends to create a directive.

(c) Be dated and signed by the principal or, if the principal is unable to sign, at the principal’s direction in the principal’s presence.

(d) Be witnessed by two adults, each of whom must declare that he or she personally knows the principal and was present when the principal

dated and signed the directive, and that the principal did not appear to be incapacitated or acting under fraud, undue influence, or duress. The person designated as the surrogate may not act as a witness to the execution of the document designating the mental health or substance abuse care treatment surrogate. At least one person who acts as a witness must be neither the principal's spouse nor his or her blood relative.

(2) A directive is valid upon execution, but all or part of the directive may take effect at a later date as designated by the principal in the directive.

(3) A directive may:

(a) Be revoked, in whole or in part, pursuant to s. 765.407; or

(b) Expire under its own terms.

(4) A directive does not or may not:

(a) Create an entitlement to mental health, substance abuse, or medical treatment or supersede a determination of medical necessity.

(b) Obligate any health care provider, professional person, or health care facility to pay the costs associated with the treatment requested.

(c) Obligate a health care provider, professional person, or health care facility to be responsible for the nontreatment or personal care of the principal or the principal's personal affairs outside the scope of services the facility normally provides.

(d) Replace or supersede any will or testamentary document or supersede the provision of intestate succession.

Section 31. Section 765.407, Florida Statutes, is created to read:

765.407 Revocation; waiver.—

(1) A principal with capacity may, by written statement of the principal or at the principal's direction in the principal's presence, revoke a directive in whole or in part.

(2) The principal shall provide a copy of his or her written statement of revocation to his or her agent, if any, and to each health care provider, professional person, or health care facility that received a copy of the directive from the principal.

(3) The written statement of revocation is effective as to a health care provider, professional person, or health care facility upon receipt. The professional person, health care provider, or health care facility, or persons acting under their direction, shall make the statement of revocation part of the principal's medical record.

(4) A directive also may:

(a) Be revoked, in whole or in part, expressly or to the extent of any inconsistency, by a subsequent directive; or

(b) Be superseded or revoked by a court order, including any order entered in a criminal matter. The individual's family, the health care facility, the attending physician, or any other interested person who may be directly affected by the surrogate's decision concerning any health care may seek expedited judicial intervention pursuant to rule 5.900 of the Florida Probate Rules, if that person believes:

1. The surrogate's decision is not in accord with the individual's known desires;

2. The advance directive is ambiguous, or the individual has changed his or her mind after execution of the advance directive;

3. The surrogate was improperly designated or appointed, or the designation of the surrogate is no longer effective or has been revoked;

4. The surrogate has failed to discharge duties, or incapacity or illness renders the surrogate incapable of discharging duties;

5. The surrogate has abused powers; or

6. The individual has sufficient capacity to make his or her own health care decisions.

(5) A directive that would have otherwise expired but is effective because the principal is incapacitated remains effective until the principal is no longer incapacitated unless the principal elected to be able to revoke while incapacitated and has revoked the directive.

(6) When a principal with capacity consents to treatment that differs from, or refuses treatment consented to in, his or her directive, the consent or refusal constitutes a waiver of a particular provision and does not constitute a revocation of the provision or the directive unless that principal also revokes the provision or directive.

Section 32. Section 765.410, Florida Statutes, is created to read:

765.410 Immunity from liability; weight of proof; presumption.—

(1) A health care facility, provider, or other person who acts under the direction of a health care facility or provider is not subject to criminal prosecution or civil liability, and may not be deemed to have engaged in unprofessional conduct, as a result of carrying out a mental health care or substance abuse treatment decision made in accordance with this section. The surrogate who makes a mental health care or substance abuse treatment decision on a principal's behalf, pursuant to this section, is not subject to criminal prosecution or civil liability for such action.

(2) This section applies unless it is shown by a preponderance of the evidence that the person authorizing or carrying out a mental health or substance abuse treatment decision did not, in good faith, comply with this section.

Section 33. Section 765.411, Florida Statutes, is created to read:

765.411 Recognition of mental health and substance abuse treatment advance directive executed in another state.—A mental health or substance abuse treatment advance directive executed in another state in compliance with the law of that state is validly executed for the purposes of this chapter.

Section 34. Section 916.185, Florida Statutes, is created to read:

916.185 Forensic Hospital Diversion Pilot Program.—

(1) **LEGISLATIVE FINDINGS AND INTENT.**—The Legislature finds that many jail inmates who have serious mental illnesses and who are committed to state forensic mental health treatment facilities for restoration of competency to proceed could be served more effectively and at less cost in community-based alternative programs. The Legislature further finds that many individuals who have serious mental illnesses and who have been discharged from state forensic mental health treatment facilities could avoid recidivism in the criminal justice and forensic mental health systems if they received specialized treatment in the community. Therefore, it is the intent of the Legislature to create the Forensic Hospital Diversion Pilot Program to serve individuals who have mental illnesses or co-occurring mental illnesses and substance use disorders and who are admitted to or are at risk of entering state forensic mental health treatment facilities, prisons, jails, or state civil mental health treatment facilities.

(2) **DEFINITIONS.**—As used in this section, the term:

(a) "Best practices" means treatment services that incorporate the most effective and acceptable interventions available in the care and treatment of individuals who are diagnosed as having mental illnesses or co-occurring mental illnesses and substance use disorders.

(b) "Community forensic system" means the community mental health and substance use forensic treatment system, including the comprehensive set of services and supports provided to individuals involved in or at risk of becoming involved in the criminal justice system.

(c) "Evidence-based practices" means interventions and strategies that, based on the best available empirical research, demonstrate effective and efficient outcomes in the care and treatment of individuals who are diagnosed as having mental illnesses or co-occurring mental illnesses and substance use disorders.

(3) **CREATION.**—There is created a Forensic Hospital Diversion Pilot Program to provide, when appropriate, competency-restoration and community-reintegration services in locked residential treatment facil-

ities, based on considerations of public safety, the needs of the individual, and available resources.

(a) The department shall implement a Forensic Hospital Diversion Pilot Program in Alachua, Broward, Escambia, Hillsborough, and Miami-Dade Counties, in conjunction with the Eighth Judicial Circuit, the Seventeenth Judicial Circuit, the First Judicial Circuit, the Thirteenth Judicial Circuit, and the Eleventh Judicial Circuit, respectively, which shall be modeled after the Miami-Dade Forensic Alternative Center, taking into account local needs and subject to the availability of local resources.

(b) In creating and implementing the program, the department shall include a comprehensive continuum of care and services which uses evidence-based practices and best practices to treat individuals who have mental health and co-occurring substance use disorders.

(c) The department and the respective judicial circuits shall implement this section within available resources. State funding may be made available through a specific appropriation.

(4) **ELIGIBILITY.**—Participation in the Forensic Hospital Diversion Pilot Program is limited to individuals who:

- (a) Are 18 years of age or older;
- (b) Are charged with a felony of the second degree or a felony of the third degree;
- (c) Do not have a significant history of violent criminal offenses;
- (d) Have been adjudicated incompetent to proceed to trial or not guilty by reason of insanity under this part;
- (e) Meet public safety and treatment criteria established by the department for placement in a community setting; and
- (f) Would be admitted to a state mental health treatment facility if not for the availability of the Forensic Hospital Diversion Pilot Program.

(5) **TRAINING.**—The Legislature encourages the Florida Supreme Court, in consultation and cooperation with the Task Force on Substance Abuse and Mental Health Issues in the Courts, to develop educational training on the community forensic system for judges in the pilot program areas.

(6) **RULEMAKING.**—The department may adopt rules to administer this section.

(7) **REPORT.**—The Office of Program Policy Analysis and Government Accountability shall review and evaluate the Forensic Hospital Diversion Pilot Program and submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by December 31, 2016. The report shall examine the efficiency and cost-effectiveness of providing forensic mental health services in secure, outpatient, community-based settings. In addition, the report shall examine the impact of the Forensic Hospital Diversion Pilot Program on public health and safety.

Section 35. Section 944.805, Florida Statutes, is created to read:

944.805 Nonviolent offender reentry program.—

- (1) As used in this section, the term:
 - (a) “Department” means the Department of Corrections.
 - (b) “Nonviolent offender” means an offender whose primary offense is a felony of the third degree, who is not the subject of a domestic violence injunction currently in force, and who has never been convicted of:
 - 1. A forcible felony as defined in s. 776.08;
 - 2. An offense specified in s. 775.082(9)(a)1.r., regardless of prior incarceration or release;
 - 3. An offense described in chapter 847;
 - 4. An offense under chapter 827;

5. Any offense specified in s. 784.07, s. 784.074, s. 784.075, s. 784.076, s. 784.08, s. 784.083, or s. 784.085;

- 6. Any offense involving the possession or use of a firearm;
- 7. A capital felony or a felony of the first or second degree;
- 8. Any offense that requires a person to register as a sexual offender pursuant to s. 943.0435.

(2)(a) The department shall develop and administer a reentry program for nonviolent offenders. The reentry program must include prison-based substance abuse treatment, general education development and adult basic education courses, vocational training, training in decision-making and personal development, and other rehabilitation programs.

(b) The reentry program is intended to divert nonviolent offenders from long periods of incarceration when a reduced period of incarceration supplemented by participation in intensive substance abuse treatment and rehabilitative programming could produce the same deterrent effect, protect the public, rehabilitate the offender, and reduce recidivism.

(c) The nonviolent offender must serve at least 6 months in the reentry program. The offender may not count any portion of his or her sentence served before placement in the reentry program as progress toward program completion.

(d) A reentry program may be operated in a secure area in or adjacent to a correctional institution.

(3) The department shall screen offenders committed to the department for eligibility to participate in the reentry program using the criteria in this section. To be eligible, an offender must be a nonviolent offender, must have served at least one-half of his or her original sentence, and must have been identified as needing substance abuse treatment.

(4) In addition, the department must consider the following factors when selecting participants for the reentry program:

- (a) The offender’s history of disciplinary reports.
- (b) The offender’s criminal history.
- (c) The severity of the offender’s addiction.
- (d) The offender’s history of criminal behavior related to substance abuse.
- (e) Whether the offender has participated or requested to participate in any general educational development certificate program or other educational, technical, work, vocational, or self-rehabilitation program.

(f) The results of any risk assessment of the offender.

(g) The outcome of all past participation of the offender in substance abuse treatment programs.

(h) The possible rehabilitative benefits that substance abuse treatment, educational programming, vocational training, and other rehabilitative programming might have on the offender.

(i) The likelihood that the offender’s participation in the program will produce the same deterrent effect, protect the public, save taxpayer dollars, and prevent or delay recidivism to an equal or greater extent than completion of the sentence previously imposed.

(5)(a) If an offender volunteers to participate in the reentry program, meets the eligibility criteria, and is selected by the department based on the considerations in subsection (4) and if space is available in the reentry program, the department may request the sentencing court to approve the offender’s participation in the reentry program. The request must be made in writing, must include a brief summation of the department’s evaluation under subsection (4), and must identify the documents or other information upon which the evaluation is based. The request and all accompanying documents may be delivered to the sentencing court electronically.

(b)1. The department shall notify the state attorney that the offender is being considered for placement in the reentry program. The notice must

include a copy of all documents provided with the request to the court. The notice and all accompanying documents may be delivered to the state attorney electronically and may take the form of a copy of an electronic delivery made to the sentencing court.

2. The notice must also state that the state attorney may notify the sentencing court in writing of any objection he or she may have to placement of the nonviolent offender in the reentry program. Such notification must be made within 15 days after receipt of the notice by the state attorney from the department. Regardless of whether an objection is raised, the state attorney may provide the sentencing court with any information supplemental or contrary to the information provided by the department which may assist the court in its determination.

(c) In determining whether to approve a nonviolent offender for participation in the reentry program, the sentencing court may consider any facts that the court considers relevant, including, but not limited to, the criteria listed in subsection (4); the original sentencing report and any evidence admitted in a previous sentencing proceeding; the offender's record of arrests without conviction for crimes; any other evidence of allegations of unlawful conduct or the use of violence by the offender; the offender's family ties, length of residence in the community, employment history, and mental condition; the likelihood that participation in the program will produce the same deterrent effect, rehabilitate the offender, and prevent or delay recidivism to an equal or greater extent than completion of the sentence previously imposed; and the likelihood that the offender will engage again in criminal conduct.

(d) The sentencing court shall notify the department in writing of the court's decision to approve or disapprove the requested placement of the nonviolent offender no later than 30 days after the court receives the department's request to place the offender in the reentry program. If the court approves the placement, the notification must list the factors upon which the court relied in making its determination.

(6) After the nonviolent offender is admitted to the reentry program, he or she shall undergo a complete substance abuse assessment to determine his or her substance abuse treatment needs. The offender shall also receive an educational assessment, which must be accomplished using the Test of Adult Basic Education or any other testing instrument approved by the Department of Education. Each offender who has not obtained a high school diploma shall be enrolled in an adult education program designed to aid the offender in improving his or her academic skills and earning a high school diploma. Additional assessments of the offender's vocational skills and future career education shall be provided to the offender as needed. A periodic reevaluation shall be made to assess the progress of each offender.

(7)(a) If a nonviolent offender in the reentry program becomes unmanageable, the department may revoke the offender's gain-time and place the offender in disciplinary confinement in accordance with department rule. Except as provided in paragraph (b), the offender shall be readmitted to the reentry program after completing the ordered discipline. Any period during which the offender cannot participate in the reentry program must be excluded from the specified time requirements in the reentry program.

(b) The department may terminate an offender from the reentry program if:

1. The offender commits or threatens to commit a violent act;
2. The department determines that the offender cannot participate in the reentry program because of the offender's medical condition;
3. The offender's sentence is modified or expires;
4. The department reassigns the offender's classification status; or
5. The department determines that removing the offender from the reentry program is in the best interest of the offender or the security of the reentry program facility.

(8)(a) The department shall submit a report to the sentencing court at least 30 days before the nonviolent offender is scheduled to complete the reentry program. The report must describe the offender's performance in the reentry program and certify whether the performance is satisfactory. The court may schedule a hearing to consider any modification to the imposed sentence. Notwithstanding the eligibility criteria contained in s.

948.20, if the offender's performance is satisfactory to the department and the court, the court shall issue an order modifying the sentence imposed and placing the offender on drug offender probation, as described in s. 948.20(2), subject to the department's certification of the offender's successful completion of the remainder of the reentry program. The term of drug offender probation must not be less than the remaining time the offender would have served in prison had he or she not participated in the program. A condition of drug offender probation may include electronic monitoring or placement in a community residential or nonresidential licensed substance abuse treatment facility under the jurisdiction of the department or the Department of Children and Families or any public or private entity providing such services. The order must include findings that the offender's performance is satisfactory, that the requirements for resentencing under this section are satisfied, and that public safety will not be compromised. If the nonviolent offender violates the conditions of drug offender probation, the court may revoke probation and impose any sentence that it might have originally imposed. An offender may not be released from the custody of the department under this section except pursuant to a judicial order modifying his or her sentence.

(b) If an offender released pursuant to paragraph (a) intends to reside in a county that has established a postadjudicatory drug court program as described in s. 397.334, the sentencing court may require the offender to successfully complete the postadjudicatory drug court program as a condition of drug offender probation. The original sentencing court shall relinquish jurisdiction of the offender's case to the postadjudicatory drug court program until the offender is no longer active in the program, the case is returned to the sentencing court due to the offender's termination from the program for failure to comply with the terms of the program, or the offender's sentence is completed. An offender who is transferred to a postadjudicatory drug court program shall comply with all conditions and orders of the program.

(9) The department shall implement the reentry program to the fullest extent feasible within available resources.

(10) The department may enter into performance-based contracts with qualified individuals, agencies, or corporations for the provision of any or all of the services for the reentry program. However, an offender may not be released from the custody of the department under this section except pursuant to a judicial order modifying a sentence.

(11) A nonviolent offender in the reentry program is subject to rules of conduct established by the department and may have sanctions imposed, including loss of privileges, restrictions, disciplinary confinement, alteration of release plans, or other program modifications in keeping with the nature and gravity of the program violation. Administrative or protective confinement, as necessary, may be imposed.

(12) This section does not create or confer any right to any offender to placement in the reentry program or any right to placement or early release under supervision of any type. An inmate does not have a cause of action under this section against the department, a court, or the state attorney related to the reentry program.

(13) The department may establish a system of incentives within the reentry program which the department may use to promote participation in rehabilitative programs and the orderly operation of institutions and facilities.

(14) The department shall develop a system for tracking recidivism, including, but not limited to, rearrests and recommitment of nonviolent offenders who successfully complete the reentry program, and shall report the recidivism rate in the annual report required under this section.

(15) The department shall submit an annual report to the Governor, the President of the Senate, and the Speaker of the House of Representatives detailing the extent of implementation of the reentry program and the number of participants who are selected by the department, the number of participants who are approved by the court, and the number of participants who successfully complete the program. The report must include a reasonable estimate or description of the additional public costs incurred and any public funds saved with respect to each participant, a brief description of each sentence modification, and a brief description of the subsequent criminal history, if any, of each participant following any modification of sentence under this section. The report must also include future goals and any recommendations that the department has for future legislative action.

(16) *The department shall adopt rules as necessary to administer the reentry program.*

(17) *Nothing in this section is severable from the remaining provisions of this section. If any subsection of this section is determined by any state or federal court to be not fully enforceable, this section shall stand repealed in its entirety.*

Section 36. Paragraph (a) of subsection (7) of section 948.08, Florida Statutes, is amended to read:

948.08 Pretrial intervention program.—

(7)(a) Notwithstanding any provision of this section, a person who is charged with a felony, other than a felony listed in s. 948.06(8)(c), and identified as a veteran, as defined in s. 1.01, *including a veteran who was discharged or released under a general discharge*, or servicemember, as defined in s. 250.01, who suffers from a military service-related mental illness, traumatic brain injury, substance abuse disorder, or psychological problem, is eligible for voluntary admission into a pretrial veterans' treatment intervention program approved by the chief judge of the circuit, upon motion of either party or the court's own motion, except:

1. If a defendant was previously offered admission to a pretrial veterans' treatment intervention program at any time before trial and the defendant rejected that offer on the record, the court may deny the defendant's admission to such a program.

2. If a defendant previously entered a court-ordered veterans' treatment program, the court may deny the defendant's admission into the pretrial veterans' treatment program.

Section 37. Paragraph (a) of subsection (2) of section 948.16, Florida Statutes, is amended to read:

948.16 Misdemeanor pretrial substance abuse education and treatment intervention program; misdemeanor pretrial veterans' treatment intervention program.—

(2)(a) A veteran, as defined in s. 1.01, *including a veteran who was discharged or released under a general discharge*, or servicemember, as defined in s. 250.01, who suffers from a military service-related mental illness, traumatic brain injury, substance abuse disorder, or psychological problem, and who is charged with a misdemeanor is eligible for voluntary admission into a misdemeanor pretrial veterans' treatment intervention program approved by the chief judge of the circuit, for a period based on the program's requirements and the treatment plan for the offender, upon motion of either party or the court's own motion. However, the court may deny the defendant admission into a misdemeanor pretrial veterans' treatment intervention program if the defendant has previously entered a court-ordered veterans' treatment program.

Section 38. Section 948.21, Florida Statutes, is amended to read:

948.21 Condition of probation or community control; military servicemembers and veterans.—

(1) Effective for a probationer or community controllee whose crime was committed on or after July 1, 2012, and who is a veteran, as defined in s. 1.01, or servicemember, as defined in s. 250.01, who suffers from a military service-related mental illness, traumatic brain injury, substance abuse disorder, or psychological problem, the court may, in addition to any other conditions imposed, impose a condition requiring the probationer or community controllee to participate in a treatment program capable of treating the probationer or community controllee's mental illness, traumatic brain injury, substance abuse disorder, or psychological problem.

(2) *Effective for a probationer or community controllee whose crime was committed on or after July 1, 2015, and who is a veteran, as defined in s. 1.01, including a veteran who was discharged or released under a general discharge, or a servicemember, as defined in s. 250.01, who suffers from a military service-related mental illness, traumatic brain injury, substance abuse disorder, or psychological problem, the court may impose, in addition to any other conditions imposed, a condition requiring the probationer or community controllee to participate in a treatment program established to treat the probationer or community controllee's*

mental illness, traumatic brain injury, substance abuse disorder, or psychological problem.

(3) The court shall give preference to treatment programs for which the probationer or community controllee is eligible through the United States Department of Veterans Affairs or the Florida Department of Veterans' Affairs. The Department of Corrections is not required to spend state funds to implement this section.

Section 39. Paragraph (l) is added to subsection (3) of section 1002.20, Florida Statutes, to read:

1002.20 K-12 student and parent rights.—Parents of public school students must receive accurate and timely information regarding their child's academic progress and must be informed of ways they can help their child to succeed in school. K-12 students and their parents are afforded numerous statutory rights including, but not limited to, the following:

(3) HEALTH ISSUES.—

(l) *Notification of involuntary examinations.—The public school principal or the principal's designee shall immediately notify the parent of a student who is removed from school, school transportation, or a school-sponsored activity and taken to a receiving facility for an involuntary examination pursuant to s. 394.463. The principal or the principal's designee may delay notification for no more than 24 hours after the student is removed from school if the principal or designee deems the delay to be in the student's best interest and if a report has been submitted to the central abuse hotline, pursuant to s. 39.201, based upon knowledge or suspicion of abuse, abandonment, or neglect. Each district school board shall develop a policy and procedures for notification under this paragraph.*

Section 40. Paragraph (q) is added to subsection (9) of section 1002.33, Florida Statutes, to read:

1002.33 Charter schools.—

(9) CHARTER SCHOOL REQUIREMENTS.—

(q) *The charter school principal or the principal's designee shall immediately notify the parent of a student who is removed from school, school transportation, or a school-sponsored activity and taken to a receiving facility for an involuntary examination pursuant to s. 394.463. The principal or the principal's designee may delay notification for no more than 24 hours after the student is removed from school if the principal or designee deems the delay to be in the student's best interest and if a report has been submitted to the central abuse hotline, pursuant to s. 39.201, based upon knowledge or suspicion of abuse, abandonment, or neglect. Each charter school governing board shall develop a policy and procedures for notification under this paragraph.*

Section 41. Effective July 1, 2016, paragraph (a) of subsection (3) of section 39.407, Florida Statutes, is amended to read:

39.407 Medical, psychiatric, and psychological examination and treatment of child; physical, mental, or substance abuse examination of person with or requesting child custody.—

(3)(a)1. Except as otherwise provided in subparagraph (b)1. or paragraph (e), before the department provides psychotropic medications to a child in its custody, the prescribing physician shall attempt to obtain express and informed consent, as defined in s. 394.455(13) ~~s. 394.455(9)~~ and as described in s. 394.459(4)(a) ~~s. 394.459(3)(a)~~, from the child's parent or legal guardian. The department must take steps necessary to facilitate the inclusion of the parent in the child's consultation with the physician. However, if the parental rights of the parent have been terminated, the parent's location or identity is unknown or cannot reasonably be ascertained, or the parent declines to give express and informed consent, the department may, after consultation with the prescribing physician, seek court authorization to provide the psychotropic medications to the child. Unless parental rights have been terminated and if it is possible to do so, the department shall continue to involve the parent in the decisionmaking process regarding the provision of psychotropic medications. If, at any time, a parent whose parental rights have not been terminated provides express and informed consent to the provision of a psychotropic medication, the requirements of this section that the department seek court authorization do not apply to that medication until such time as the parent no longer consents.

2. Any time the department seeks a medical evaluation to determine the need to initiate or continue a psychotropic medication for a child, the department must provide to the evaluating physician all pertinent medical information known to the department concerning that child.

Section 42. Effective July 1, 2016, subsection (2) of section 394.4612, Florida Statutes, is amended to read:

394.4612 Integrated adult mental health crisis stabilization and addictions receiving facilities.—

(2) An integrated mental health crisis stabilization unit and addictions receiving facility may provide services under this section to adults who are 18 years of age or older and who fall into one ~~or more~~ of the following categories:

(a) An adult meeting the requirements for voluntary admission for mental health treatment under s. 394.4625.

(b) An adult meeting the criteria for involuntary examination for mental illness under s. 394.463.

(c) An adult qualifying for voluntary admission for substance abuse treatment under s. 394.4625 ~~§ 397.601~~.

(d) An adult meeting the criteria for involuntary admission for substance abuse impairment under s. 394.463 ~~§ 397.675~~.

Section 43. Effective July 1, 2016, paragraphs (a) and (c) of subsection (3) of section 394.495, Florida Statutes, are amended to read:

394.495 Child and adolescent mental health system of care; programs and services.—

(3) Assessments must be performed by:

(a) A professional as defined in s. 394.455(6), (31), (34), (35), or (36) ~~§ 394.455(2), (4), (21), (23), or (24)~~;

(c) A person who is under the direct supervision of a professional as defined in s. 394.455(6), (31), (34), (35), or (36) ~~§ 394.455(2), (4), (21), (23), or (24)~~ or a professional licensed under chapter 491.

The department shall adopt by rule statewide standards for mental health assessments, which must be based on current relevant professional and accreditation standards.

Section 44. Effective July 1, 2016, subsection (6) of section 394.496, Florida Statutes, is amended to read:

394.496 Service planning.—

(6) A professional as defined in s. 394.455(6), (31), (34), (35), or (36) ~~§ 394.455(2), (4), (21), (23), or (24)~~ or a professional licensed under chapter 491 must be included among those persons developing the services plan.

Section 45. Effective July 1, 2016, subsection (2) of section 394.499, Florida Statutes, is amended to read:

394.499 Integrated children's crisis stabilization unit/juvenile addictions receiving facility services.—

(2) Children eligible to receive integrated children's crisis stabilization unit/juvenile addictions receiving facility services include:

(a) A person under 18 years of age for whom voluntary application is made by his or her guardian, if such person is found to show evidence of mental illness and to be suitable for treatment pursuant to s. 394.4625. A person under 18 years of age may be admitted for integrated facility services only after a hearing to verify that the consent to admission is voluntary.

(b) A person under 18 years of age who may be taken to a receiving facility for involuntary examination, if there is reason to believe that he or she is mentally ill and because of his or her mental illness, pursuant to s. 394.463:

1. Has refused voluntary examination after conscientious explanation and disclosure of the purpose of the examination; or

2. Is unable to determine for himself or herself whether examination is necessary; and

a. Without care or treatment is likely to suffer from neglect or refuse to care for himself or herself; such neglect or refusal poses a real and present threat of substantial harm to his or her well-being; and it is not apparent that such harm may be avoided through the help of willing family members or friends or the provision of other services; or

b. There is a substantial likelihood that without care or treatment he or she will cause serious bodily harm to himself or herself or others in the near future, as evidenced by recent behavior.

(c) A person under 18 years of age who wishes to enter treatment for substance abuse and applies to a service provider for voluntary admission, pursuant to s. 394.4625(1)(a) ~~§ 397.601~~.

~~(d) A person under 18 years of age who meets the criteria for involuntary admission because there is good faith reason to believe the person is substance abuse impaired pursuant to s. 397.675 and, because of such impairment:~~

~~1. Has lost the power of self control with respect to substance use; and~~

~~2.a. Has inflicted, or threatened or attempted to inflict, or unless admitted is likely to inflict, physical harm on himself or herself or another; or~~

~~b. Is in need of substance abuse services and, by reason of substance abuse impairment, his or her judgment has been so impaired that the person is incapable of appreciating his or her need for such services and of making a rational decision in regard thereto; however, mere refusal to receive such services does not constitute evidence of lack of judgment with respect to his or her need for such services.~~

~~(d)(e)~~ A person under 18 years of age who meets the criteria for examination or admission under paragraph (b) ~~or paragraph (d)~~ and has a coexisting mental health and substance abuse disorder.

Section 46. Effective July 1, 2016, subsection (18) of section 394.67, Florida Statutes, is amended to read:

394.67 Definitions.—As used in this part, the term:

(18) "Person who is experiencing an acute substance abuse crisis" means a child, adolescent, or adult who is experiencing a medical or emotional crisis because of the use of alcoholic beverages or any psychoactive or mood-altering substance. The term includes an individual who meets the criteria for involuntary admission specified in s. 394.463 ~~§ 397.675~~.

Section 47. Effective July 1, 2016, subsection (2) of section 394.674, Florida Statutes, is amended to read:

394.674 Eligibility for publicly funded substance abuse and mental health services; fee collection requirements.—

(2) Crisis services, as defined in s. 394.67, must, within the limitations of available state and local matching resources, be available to each person who is eligible for services under subsection (1), regardless of the person's ability to pay for such services. A person who is experiencing a mental health crisis and who does not meet the criteria for involuntary examination under s. 394.463(1), or a person who is experiencing a substance abuse crisis and who does not meet the involuntary admission criteria in s. 394.463 ~~§ 397.675~~, must contribute to the cost of his or her care and treatment pursuant to the sliding fee scale developed under subsection (4), unless charging a fee is contraindicated because of the crisis situation.

Section 48. Effective July 1, 2016, subsection (6) of section 394.9085, Florida Statutes, is amended to read:

394.9085 Behavioral provider liability.—

(6) For purposes of this section, the terms "detoxification services," "addictions receiving facility," and "receiving facility" have the same meanings as those provided in ss. 397.311(18)(a)4., 397.311(18)(a)1., and 394.455(27) ~~394.455(26)~~, respectively.

Section 49. Effective July 1, 2016, subsection (11) and paragraph (a) of subsection (18) of section 397.311, Florida Statutes, are amended to read:

397.311 Definitions.—As used in this chapter, except part VIII, the term:

(11) “Habitual abuser” means a person who is brought to the attention of law enforcement for being substance impaired, who meets the criteria for involuntary admission in s.394.463 ~~s. 397.675~~, and who has been taken into custody for such impairment three or more times during the preceding 12 months.

(18) Licensed service components include a comprehensive continuum of accessible and quality substance abuse prevention, intervention, and clinical treatment services, including the following services:

(a) “Clinical treatment” means a professionally directed, deliberate, and planned regimen of services and interventions that are designed to reduce or eliminate the misuse of drugs and alcohol and promote a healthy, drug-free lifestyle. As defined by rule, “clinical treatment services” include, but are not limited to, the following licensable service components:

1. “Addictions receiving facility” is a secure, acute care facility that provides, at a minimum, detoxification and stabilization services and is operated 24 hours per day, 7 days per week; and is designated by the department to serve individuals found to be substance use impaired as described in s. 394.463 ~~s. 397.675~~ who meet the placement criteria for this component.

2. “Day or night treatment” is a service provided in a nonresidential environment, with a structured schedule of treatment and rehabilitative services.

3. “Day or night treatment with community housing” means a program intended for individuals who can benefit from living independently in peer community housing while participating in treatment services for a minimum of 5 hours a day for a minimum of 25 hours per week.

4. “Detoxification” is a service involving subacute care that is provided on an inpatient or an outpatient basis to assist individuals to withdraw from the physiological and psychological effects of substance abuse and who meet the placement criteria for this component.

5. “Intensive inpatient treatment” includes a planned regimen of evaluation, observation, medical monitoring, and clinical protocols delivered through an interdisciplinary team approach provided ~~24-hours-per-day 24 hours per day, 7-days-per-week 7 days per week~~, in a highly structured, live-in environment.

6. “Intensive outpatient treatment” is a service that provides individual or group counseling in a more structured environment, is of higher intensity and duration than outpatient treatment, and is provided to individuals who meet the placement criteria for this component.

7. “Medication-assisted treatment for opiate addiction” is a service that uses methadone or other medication as authorized by state and federal law, in combination with medical, rehabilitative, and counseling services in the treatment of individuals who are dependent on opioid drugs.

8. “Outpatient treatment” is a service that provides individual, group, or family counseling by appointment during scheduled operating hours for individuals who meet the placement criteria for this component.

9. “Residential treatment” is a service provided in a structured live-in environment within a nonhospital setting on a 24-hours-per-day, 7-days-per-week basis, and is intended for individuals who meet the placement criteria for this component.

Section 50. Effective July 1, 2016, paragraph (b) of subsection (2) of section 397.702, Florida Statutes, is amended to read:

397.702 Authorization of local ordinances for treatment of habitual abusers in licensed secure facilities.—

(2) Ordinances for the treatment of habitual abusers must provide:

(b) That when seeking treatment of a habitual abuser, the county or municipality, through an officer or agent specified in the ordinance, must file with the court a petition which alleges the following information about the alleged habitual abuser (the respondent):

1. The name, address, age, and gender of the respondent.
2. The name of any spouse, adult child, other relative, or guardian of the respondent, if known to the petitioner, and the efforts, *if any*, by the petitioner, ~~if any~~, to ascertain this information.
3. The name of the petitioner, the name of the person who has physical custody of the respondent, and the current location of the respondent.
4. That the respondent has been taken into custody for impairment in a public place, or has been arrested for an offense committed while impaired, three or more times during the preceding 12 months.
5. Specific facts indicating that the respondent meets the criteria for involuntary admission in s. 394.463 ~~s. 397.675~~.

6. Whether the respondent was advised of his or her right to be represented by counsel and to request that the court appoint an attorney if he or she is unable to afford one, and whether the respondent indicated to petitioner his or her desire to have an attorney appointed.

Section 51. Section 402.3057, Florida Statutes, is amended to read:

402.3057 Persons not required to be refingerprinted or rescreened.—Any provision of law to the contrary notwithstanding, human resource personnel who have been fingerprinted or screened pursuant to chapters 393, 394, 397, 402, and 409, and teachers and noninstructional personnel who have been fingerprinted pursuant to chapter 1012, who have not been unemployed for more than 90 days thereafter, and who under the penalty of perjury attest to the completion of such fingerprinting or screening and to compliance with the provisions of this section and the standards for good moral character as contained in such provisions as ss. 110.1127(2)(c), 393.0655(1), ~~394.457(6)~~, 397.451, 402.305(2), and 409.175(6), shall not be required to be refingerprinted or rescreened in order to comply with any caretaker screening or fingerprinting requirements.

Section 52. Section 409.1757, Florida Statutes, is amended to read:

409.1757 Persons not required to be refingerprinted or rescreened.—Any law to the contrary notwithstanding, human resource personnel who have been fingerprinted or screened pursuant to chapters 393, 394, 397, 402, and this chapter, teachers who have been fingerprinted pursuant to chapter 1012, and law enforcement officers who meet the requirements of s. 943.13, who have not been unemployed for more than 90 days thereafter, and who under the penalty of perjury attest to the completion of such fingerprinting or screening and to compliance with this section and the standards for good moral character as contained in such provisions as ss. 110.1127(2)(c), 393.0655(1), ~~394.457(6)~~, 397.451, 402.305(2), 409.175(6), and 943.13(7), are not required to be refingerprinted or rescreened in order to comply with any caretaker screening or fingerprinting requirements.

Section 53. Effective July 1, 2016, paragraph (b) of subsection (1) of section 409.972, Florida Statutes, is amended to read:

409.972 Mandatory and voluntary enrollment.—

(1) The following Medicaid-eligible persons are exempt from mandatory managed care enrollment required by s. 409.965, and may voluntarily choose to participate in the managed medical assistance program:

(b) Medicaid recipients residing in residential commitment facilities operated through the Department of Juvenile Justice or mental health treatment facilities as defined by s. 394.455(47) ~~s. 394.455(32)~~.

Section 54. Effective July 1, 2016, subsection (7) of section 744.704, Florida Statutes, is amended to read:

744.704 Powers and duties.—

(7) A public guardian shall not commit a ward to a mental health treatment facility, as defined in s. 394.455(47) ~~s. 394.455(32)~~, without an involuntary placement proceeding as provided by law.

Section 55. Effective July 1, 2016, paragraph (a) of subsection (2) of section 790.065, Florida Statutes, is amended to read:

790.065 Sale and delivery of firearms.—

(2) Upon receipt of a request for a criminal history record check, the Department of Law Enforcement shall, during the licensee's call or by return call, forthwith:

(a) Review any records available to determine if the potential buyer or transferee:

1. Has been convicted of a felony and is prohibited from receipt or possession of a firearm pursuant to s. 790.23;

2. Has been convicted of a misdemeanor crime of domestic violence, and therefore is prohibited from purchasing a firearm;

3. Has had adjudication of guilt withheld or imposition of sentence suspended on any felony or misdemeanor crime of domestic violence unless 3 years have elapsed since probation or any other conditions set by the court have been fulfilled or expunction has occurred; or

4. Has been adjudicated mentally defective or has been committed to a mental institution by a court or as provided in sub-sub-paragraph b.(II), and as a result is prohibited by state or federal law from purchasing a firearm.

a. As used in this subparagraph, "adjudicated mentally defective" means a determination by a court that a person, as a result of marked subnormal intelligence, or mental illness, incompetency, condition, or disease, is a danger to himself or herself or to others or lacks the mental capacity to contract or manage his or her own affairs. The phrase includes a judicial finding of incapacity under s. 744.331(6)(a), an acquittal by reason of insanity of a person charged with a criminal offense, and a judicial finding that a criminal defendant is not competent to stand trial.

b. As used in this subparagraph, "committed to a mental institution" means:

(I) Involuntary commitment, commitment for mental defectiveness or mental illness, and commitment for substance abuse. The phrase includes involuntary inpatient placement as defined in s. 394.467, involuntary outpatient placement as defined in s. 394.4655, involuntary assessment and stabilization under s. 394.463(2)(g) ~~s. 397.6818~~, or ~~and~~ involuntary substance abuse treatment under s. 394.463 ~~s. 397.6957~~, but does not include a person in a mental institution for observation or discharged from a mental institution based upon the initial review by the physician or a voluntary admission to a mental institution; or

(II) Notwithstanding sub-sub-paragraph (I), voluntary admission to a mental institution for outpatient or inpatient treatment of a person who had an involuntary examination under s. 394.463, where each of the following conditions have been met:

(A) An examining physician found that the person is an imminent danger to himself or herself or others.

(B) The examining physician certified that if the person did not agree to voluntary treatment, a petition for involuntary outpatient or inpatient treatment would have been filed under s. 394.463(2)(g) ~~s. 394.463(2)(i)4.~~, or the examining physician certified that a petition was filed and the person subsequently agreed to voluntary treatment prior to a court hearing on the petition.

(C) Before agreeing to voluntary treatment, the person received written notice of that finding and certification, and written notice that as a result of such finding, he or she may be prohibited from purchasing a firearm, and may not be eligible to apply for or retain a concealed weapon or firearms license under s. 790.06 and the person acknowledged such notice in writing, in substantially the following form:

"I understand that the doctor who examined me believes I am a danger to myself or to others. I understand that if I do not agree to voluntary treatment, a petition will be filed in court to require me to receive in-

voluntary treatment. I understand that if that petition is filed, I have the right to contest it. In the event a petition has been filed, I understand that I can subsequently agree to voluntary treatment prior to a court hearing. I understand that by agreeing to voluntary treatment in either of these situations, I may be prohibited from buying firearms and from applying for or retaining a concealed weapons or firearms license until I apply for and receive relief from that restriction under Florida law."

(D) A judge or a magistrate has, pursuant to sub-sub-paragraph c.(II), reviewed the record of the finding, certification, notice, and written acknowledgment classifying the person as an imminent danger to himself or herself or others, and ordered that such record be submitted to the department.

c. In order to check for these conditions, the department shall compile and maintain an automated database of persons who are prohibited from purchasing a firearm based on court records of adjudications of mental defectiveness or commitments to mental institutions.

(I) Except as provided in sub-sub-paragraph (II), clerks of court shall submit these records to the department within 1 month after the rendition of the adjudication or commitment. Reports shall be submitted in an automated format. The reports must, at a minimum, include the name, along with any known alias or former name, the sex, and the date of birth of the subject.

(II) For persons committed to a mental institution pursuant to sub-sub-paragraph b.(II), within 24 hours after the person's agreement to voluntary admission, a record of the finding, certification, notice, and written acknowledgment must be filed by the administrator of the receiving or treatment facility, as defined in s. 394.455, with the clerk of the court for the county in which the involuntary examination under s. 394.463 occurred. No fee shall be charged for the filing under this sub-sub-paragraph. The clerk must present the records to a judge or magistrate within 24 hours after receipt of the records. A judge or magistrate is required and has the lawful authority to review the records *ex parte* and, if the judge or magistrate determines that the record supports the classifying of the person as an imminent danger to himself or herself or others, to order that the record be submitted to the department. If a judge or magistrate orders the submittal of the record to the department, the record must be submitted to the department within 24 hours.

d. A person who has been adjudicated mentally defective or committed to a mental institution, as those terms are defined in this paragraph, may petition the circuit court that made the adjudication or commitment, or the court that ordered that the record be submitted to the department pursuant to sub-sub-paragraph c.(II), for relief from the firearm disabilities imposed by such adjudication or commitment. A copy of the petition shall be served on the state attorney for the county in which the person was adjudicated or committed. The state attorney may object to and present evidence relevant to the relief sought by the petitioner. The hearing on the petition may be open or closed as the petitioner may choose. The petitioner may present evidence and subpoena witnesses to appear at the hearing on the petition. The petitioner may confront and cross-examine witnesses called by the state attorney. A record of the hearing shall be made by a certified court reporter or by court-approved electronic means. The court shall make written findings of fact and conclusions of law on the issues before it and issue a final order. The court shall grant the relief requested in the petition if the court finds, based on the evidence presented with respect to the petitioner's reputation, the petitioner's mental health record and, if applicable, criminal history record, the circumstances surrounding the firearm disability, and any other evidence in the record, that the petitioner will not be likely to act in a manner that is dangerous to public safety and that granting the relief would not be contrary to the public interest. If the final order denies relief, the petitioner may not petition again for relief from firearm disabilities until 1 year after the date of the final order. The petitioner may seek judicial review of a final order denying relief in the district court of appeal having jurisdiction over the court that issued the order. The review shall be conducted *de novo*. Relief from a firearm disability granted under this sub-sub-paragraph has no effect on the loss of civil rights, including firearm rights, for any reason other than the particular adjudication of mental defectiveness or commitment to a mental institution from which relief is granted.

e. Upon receipt of proper notice of relief from firearm disabilities granted under sub-subparagraph d., the department shall delete any mental health record of the person granted relief from the automated

database of persons who are prohibited from purchasing a firearm based on court records of adjudications of mental defectiveness or commitments to mental institutions.

f. The department is authorized to disclose data collected pursuant to this subparagraph to agencies of the Federal Government and other states for use exclusively in determining the lawfulness of a firearm sale or transfer. The department is also authorized to disclose this data to the Department of Agriculture and Consumer Services for purposes of determining eligibility for issuance of a concealed weapons or concealed firearms license and for determining whether a basis exists for revoking or suspending a previously issued license pursuant to s. 790.06(10). When a potential buyer or transferee appeals a nonapproval based on these records, the clerks of court and mental institutions shall, upon request by the department, provide information to help determine whether the potential buyer or transferee is the same person as the subject of the record. Photographs and any other data that could confirm or negate identity must be made available to the department for such purposes, notwithstanding any other provision of state law to the contrary. Any such information that is made confidential or exempt from disclosure by law shall retain such confidential or exempt status when transferred to the department.

Section 56. *Effective July 1, 2016, section 397.601, Florida Statutes, which composes part IV of chapter 397, Florida Statutes, is repealed.*

Section 57. *Effective July 1, 2016, sections 397.675, 397.6751, 397.6752, 397.6758, 397.6759, 397.677, 397.6771, 397.6772, 397.6773, 397.6774, 397.6775, 397.679, 397.6791, 397.6793, 397.6795, 397.6797, 397.6798, 397.6799, 397.681, 397.6811, 397.6814, 397.6815, 397.6818, 397.6819, 397.6821, 397.6822, 397.693, 397.695, 397.6951, 397.6955, 397.6957, 397.697, 397.6971, 397.6975, and 397.6977, Florida Statutes, which compose part V of chapter 397, Florida Statutes, are repealed.*

Section 58. For the purpose of incorporating the amendment made by this act to section 394.4599, Florida Statutes, in a reference thereto, subsection (1) of section 394.4685, Florida Statutes, is reenacted to read:

394.4685 Transfer of patients among facilities.—

(1) TRANSFER BETWEEN PUBLIC FACILITIES.—

(a) A patient who has been admitted to a public receiving facility, or the family member, guardian, or guardian advocate of such patient, may request the transfer of the patient to another public receiving facility. A patient who has been admitted to a public treatment facility, or the family member, guardian, or guardian advocate of such patient, may request the transfer of the patient to another public treatment facility. Depending on the medical treatment or mental health treatment needs of the patient and the availability of appropriate facility resources, the patient may be transferred at the discretion of the department. If the department approves the transfer of an involuntary patient, notice according to the provisions of s. 394.4599 shall be given prior to the transfer by the transferring facility. The department shall respond to the request for transfer within 2 working days after receipt of the request by the facility administrator.

(b) When required by the medical treatment or mental health treatment needs of the patient or the efficient utilization of a public receiving or public treatment facility, a patient may be transferred from one receiving facility to another, or one treatment facility to another, at the department's discretion, or, with the express and informed consent of the patient or the patient's guardian or guardian advocate, to a facility in another state. Notice according to the provisions of s. 394.4599 shall be given prior to the transfer by the transferring facility. If prior notice is not possible, notice of the transfer shall be provided as soon as practicable after the transfer.

Section 59. For the purpose of incorporating the amendment made by this act to section 394.4599, Florida Statutes, in a reference thereto, subsection (2) of section 394.469, Florida Statutes, is reenacted to read:

394.469 Discharge of involuntary patients.—

(2) NOTICE.—Notice of discharge or transfer of a patient shall be given as provided in s. 394.4599.

Section 60. Subsection (18) of section 394.455, Florida Statutes, is amended to read:

394.455 Definitions.—As used in this part, unless the context clearly requires otherwise, the term:

(18) “Mental illness” means an impairment of the mental or emotional processes that exercise conscious control of one's actions or of the ability to perceive or understand reality, which impairment substantially interferes with the person's ability to meet the ordinary demands of living. For the purposes of this part, the term does not include a developmental disability as defined in chapter 393, *dementia, traumatic brain injuries*, intoxication, or conditions manifested only by antisocial behavior or substance abuse impairment.

Section 61. Subsections (1), (4), (5), and (6) of section 394.492, Florida Statutes, are amended to read:

394.492 Definitions.—As used in ss. 394.490-394.497, the term:

(1) “Adolescent” means a person who is at least 13 years of age but under ~~18~~ 21 years of age.

(4) “Child or adolescent at risk of emotional disturbance” means a person under ~~18~~ 21 years of age who has an increased likelihood of becoming emotionally disturbed because of risk factors that include, but are not limited to:

- (a) Being homeless.
- (b) Having a family history of mental illness.
- (c) Being physically or sexually abused or neglected.
- (d) Abusing alcohol or other substances.
- (e) Being infected with human immunodeficiency virus (HIV).
- (f) Having a chronic and serious physical illness.
- (g) Having been exposed to domestic violence.
- (h) Having multiple out-of-home placements.

(5) “Child or adolescent who has an emotional disturbance” means a person under 21 ~~18~~ years of age who is diagnosed with a mental, emotional, or behavioral disorder of sufficient duration to meet one of the diagnostic categories specified in the most recent edition of the Diagnostic and Statistical Manual of the American Psychiatric Association, but who does not exhibit behaviors that substantially interfere with or limit his or her role or ability to function in the family, school, or community. The emotional disturbance must not be considered to be a temporary response to a stressful situation. The term does not include a child or adolescent who meets the criteria for involuntary placement under s. 394.467(1).

(6) “Child or adolescent who has a serious emotional disturbance or mental illness” means a person under ~~18~~ 21 years of age who:

(a) Is diagnosed as having a mental, emotional, or behavioral disorder that meets one of the diagnostic categories specified in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders of the American Psychiatric Association; and

(b) Exhibits behaviors that substantially interfere with or limit his or her role or ability to function in the family, school, or community, which behaviors are not considered to be a temporary response to a stressful situation.

The term includes a child or adolescent who meets the criteria for involuntary placement under s. 394.467(1).

Section 62. Section 394.761, Florida Statutes, is created to read:

394.761 *Revenue maximization.—The agency and the department shall develop a plan to obtain federal approval for increasing the availability of federal Medicaid funding for behavioral health care. The plan must give preference to quality improvement organizations as defined in the Social Security Act, 42 U.S.C. s. 1320c-1. Increased funding will be used to advance the goal of improved integration of behavioral health and primary care services through development and effective implementation of coordinated care organizations as described in s. 394.9082(3). The*

agency and the department shall submit the written plan to the President of the Senate and the Speaker of the House of Representatives no later than November 1, 2015. The plan shall identify the amount of general revenue funding appropriated for mental health and substance abuse services which is eligible to be used as state Medicaid match. The plan must evaluate alternative uses of increased Medicaid funding, including expansion of Medicaid eligibility for the severely and persistently mentally ill; increased reimbursement rates for behavioral health services; adjustments to the capitation rate for Medicaid enrollees with chronic mental illness and substance use disorders; supplemental payments to mental health and substance abuse providers through a designated state health program or other mechanisms; and innovative programs for incentivizing improved outcomes for behavioral health conditions. The plan shall identify the advantages and disadvantages of each alternative and assess the potential of each for achieving improved integration of services. The plan shall identify the types of federal approvals necessary to implement each alternative and project a timeline for implementation.

Section 63. Effective upon this act becoming law, section 394.9082, Florida Statutes, is amended to read:

394.9082 Behavioral health managing entities.—

(1) LEGISLATIVE FINDINGS AND INTENT.—The Legislature finds that untreated behavioral health disorders constitute major health problems for residents of this state, are a major economic burden to the citizens of this state, and substantially increase demands on the state's juvenile and adult criminal justice systems, the child welfare system, and health care systems. The Legislature finds that behavioral health disorders respond to appropriate treatment, rehabilitation, and supportive intervention. The Legislature finds that *the state's return on its* ~~it has made a substantial long term~~ investment in the funding of the community-based behavioral health prevention and treatment service systems and facilities *can be enhanced by integration of these services with primary care in order to provide critical emergency, acute care, residential, outpatient, and rehabilitative and recovery based services.* The Legislature finds that local communities have also made substantial investments in behavioral health services, contracting with safety net providers who by mandate and mission provide specialized services to vulnerable and hard-to-serve populations and have strong ties to local public health and public safety agencies. The Legislature finds that a regional management structure that *facilitates a comprehensive and cohesive system of coordinated care for* ~~places the responsibility for publicly financed behavioral health treatment and prevention services within a single private, nonprofit entity at the local level will improve promote improved~~ access to care, promote service continuity, and provide for more efficient and effective delivery of substance abuse and mental health services. The Legislature finds that streamlining administrative processes will create cost efficiencies and provide flexibility to better match available services to consumers' identified needs.

(2) DEFINITIONS.—As used in this section, the term:

(a) "Behavioral health services" means mental health services and substance abuse prevention and treatment services as defined in this chapter and chapter 397 which are provided using state and federal funds.

(b) "Decisionmaking model" means a comprehensive management information system needed to answer the following management questions at the federal, state, regional, circuit, and local provider levels: who receives what services from which providers with what outcomes and at what costs?

(b)(e) "Geographic area" means a county, circuit, ~~regional~~, or a region as described in s. 409.966 ~~multiregional area in this state.~~

(c) "Managed behavioral health organization" means a Medicaid managed care organization currently under contract with the Medicaid managed medical assistance program in this state pursuant to part IV, including a managed care organization operating as a behavioral health specialty plan.

(d) "Managing entity" means a corporation that is ~~organized in this state, is designated or filed as a nonprofit organization under s. 501(c)(3) of the Internal Revenue Code, and is under contract to~~ selected by the department to execute the administrative duties specified in subsection

(5) to facilitate the ~~manage the day-to-day operational~~ delivery of behavioral health services through ~~an organized~~ a coordinated system of care.

(e) "Provider networks" mean the direct service agencies ~~that are~~ under contract with a managing entity *to provide behavioral health services.* ~~and that together constitute~~ The provider network may also include noncontracted providers as partners in the delivery of coordinated care and a comprehensive array of emergency, acute care, residential, outpatient, recovery support, and consumer support services.

~~(3) SERVICE DELIVERY STRATEGIES.—The department may work through managing entities to develop service delivery strategies that will improve the coordination, integration, and management of the delivery of behavioral health services to people who have mental or substance use disorders. It is the intent of the Legislature that a well-managed service delivery system will increase access for those in need of care, improve the coordination and continuity of care for vulnerable and high risk populations, and redirect service dollars from restrictive care settings to community based recovery services.~~

~~(3)(4) CONTRACT FOR SERVICES.—~~

(a) The department ~~must~~ ~~may~~ contract for the purchase and management of behavioral health services with community-based organizations to serve as managing entities. ~~The department may require a managing entity to contract for specialized services that are not currently part of the managing entity's network if the department determines that to do so is in the best interests of consumers of services. The secretary shall determine the schedule for phasing in contracts with managing entities. The managing entities shall, at a minimum, be accountable for the operational oversight of the delivery of behavioral health services funded by the department and for the collection and submission of the required data pertaining to these contracted services. A managing entity shall serve a geographic area designated by the department. The geographic area must be of sufficient size in population, funding, and services and have enough public funds for behavioral health services to allow for flexibility and maximum efficiency.~~

(b) ~~The operating costs of the managing entity contract shall be funded through funds from the department and any savings and efficiencies achieved through the implementation of managing entities when realized by their participating provider network agencies. The department recognizes that managing entities will have infrastructure development costs during start up so that any efficiencies to be realized by providers from consolidation of management functions, and the resulting savings, will not be achieved during the early years of operation. The department shall negotiate a reasonable and appropriate administrative cost rate with the managing entity. The Legislature intends that reduced local and state contract management and other administrative duties passed on to the managing entity allows funds previously allocated for these purposes to be proportionately reduced and the savings used to purchase the administrative functions of the managing entity. Policies and procedures of the department for monitoring contracts with managing entities shall include provisions for eliminating duplication of the department's and the managing entities' contract management and other administrative activities in order to achieve the goals of cost-effectiveness and regulatory relief. To the maximum extent possible, provider monitoring activities shall be assigned to the managing entity.~~

(c) Contracting and payment mechanisms for services must promote clinical and financial flexibility and responsiveness and must allow different categorical funds to be integrated at the point of service. The contracted service array must be determined by using public input, needs assessment, and evidence based and promising best practice models. The department may employ care management methodologies, prepaid capitation, and case rate or other methods of payment which promote flexibility, efficiency, and accountability.

(b) The primary contractual responsibilities of the managing entity are administrative and fiscal management duties necessary to comply with federal requirements for the Substance Abuse and Mental Health Services grant and to enter into subcontracts with behavioral health service providers using funds appropriated by the Legislature for this purpose. Additional duties of the managing entity include:

1. Assessing community needs for behavioral health services;

2. Collecting and reporting data, including use of a unique identifier developed by the department to facilitate consumer care coordination;
3. Monitoring provider performance through application of nationally recognized standards;
4. Promoting quality improvement through dissemination of evidence informed practices;
5. Facilitating effective provider relationships and arrangements that support coordinated service delivery and continuity of care; and
6. Advising the department on ways to improve behavioral health outcomes.

(c) No later than July 1, 2016, the department shall revise contracts with all current managing entities. The revised contract shall be for a term of 5 years with an option to renew for an additional 5 years. The revised contract will be performance based, which means the contract establishes a limited number of measurable outcomes, sets timelines for achievement of those outcomes that are characterized by specific milestones, and establishes a schedule of penalties scaled to the nature and significance of the performance failure. Such penalties may include a corrective action plan, liquidated damages, or termination of the contract.

(d) The revised contract must establish a clear and consistent framework for managing limited resources to serve priority populations identified in federal regulations and state law.

(e) In developing the revised contract, the department must consult with current managing entities, behavioral health service providers, and the Legislature.

(f) The revised contract will incorporate a plan prepared by the managing entity that describes how the managing entity and the provider network in the region will earn, no later than July 1, 2019, the designation of coordinated care organization pursuant to subsection (5).

(g) The department may terminate a contract with a managing entity for causes specified in the contract or for failure to earn designation as a coordinated care organization in accordance with the plan approved by the department.

(h) When necessary due to contract termination or the expiration of the allowable contract term, the department will issue an invitation to negotiate in order to select an organization to serve as a managing entity. Qualified bidders include managing entities, managed behavioral health organizations or nonprofit organizations with experience managing integrated provider networks specializing in behavioral health services. The department shall consider the input and recommendations of the provider network when selecting a new contractor. The invitation to negotiate shall specify the criteria and the relative weight of the criteria that will be used in selecting the new contractor. The department must consider all of the following factors:

1. Experience serving persons with mental health and substance use disorders.
2. Establishment of community partnerships with behavioral health providers.
3. Demonstrated organizational capabilities for network management functions.
4. Capability to integrate behavioral health with primary care services.

(i) When the contractor serving as the managing entity changes, the department is responsible for developing and implementing a transition plan that ensures continuity of care for patients receiving behavioral health services.

~~(4)(5) GOALS.—The goal of the service delivery strategies is to provide a design for an effective coordination, integration, and management approach for delivering effective behavioral health services to persons who are experiencing a mental health or substance abuse crisis, who have a disabling mental illness or a substance use or co-occurring disorder, and require extended services in order to recover from their illness, or who need brief treatment or longer term supportive interven-~~

~~tions to avoid a crisis or disability. Other goals include The department must develop and incorporate into the revised contract with the managing entities, measurable outcome standards that address the following goals:~~

~~(a) The provider network in the region delivers effective, quality services that are evidence-informed, coordinated, and integrated with primary care services and other programs such as vocational rehabilitation, education, child welfare, juvenile justice, and criminal justice.~~

~~(b)(a) Behavioral health services supported with public funds are accountable to the public and responsive to local needs Improving accountability for a local system of behavioral health care services to meet performance outcomes and standards through the use of reliable and timely data.~~

~~(c)(b) Interactions and relationships among members of the provider network are supported by the managing entity in order to effectively coordinate services and provide continuity of care for priority populations Enhancing the continuity of care for all children, adolescents, and adults who enter the publicly funded behavioral health service system.~~

~~(c) Preserving the “safety net” of publicly funded behavioral health services and providers, and recognizing and ensuring continued local contributions to these services, by establishing locally designed and community monitored systems of care.~~

~~(d) Providing early diagnosis and treatment interventions to enhance recovery and prevent hospitalization.~~

~~(e) Improving the assessment of local needs for behavioral health services.~~

~~(f) Improving the overall quality of behavioral health services through the use of evidence based, best practice, and promising practice models.~~

~~(g) Demonstrating improved service integration between behavioral health programs and other programs, such as vocational rehabilitation, education, child welfare, primary health care, emergency services, juvenile justice, and criminal justice.~~

~~(h) Providing for additional testing of creative and flexible strategies for financing behavioral health services to enhance individualized treatment and support services.~~

~~(i) Promoting cost effective quality care.~~

~~(j) Working with the state to coordinate admissions and discharges from state civil and forensic hospitals and coordinating admissions and discharges from residential treatment centers.~~

~~(k) Improving the integration, accessibility, and dissemination of behavioral health data for planning and monitoring purposes.~~

~~(l) Promoting specialized behavioral health services to residents of assisted living facilities.~~

~~(m) Working with the state and other stakeholders to reduce the admissions and the length of stay for dependent children in residential treatment centers.~~

~~(n) Providing services to adults and children with co-occurring disorders of mental illnesses and substance abuse problems.~~

~~(o) Providing services to elder adults in crisis or at risk for placement in a more restrictive setting due to a serious mental illness or substance abuse.~~

(5) COORDINATED CARE ORGANIZATIONS.—

(a) Managing entities may earn designation as coordinated care organizations by developing and implementing a plan that enables the members of the provider network, including those under contract to the managing entity as well as other noncontracted community service providers, to work together to improve outcomes for individuals with mental health and substance use disorders. The plan must:

1. Assess working relationships among providers of a comprehensive range of services as described in subsection (6) and propose strategies for improving access to care for priority populations;

2. Identify gaps in the current system of care and propose methods for improving continuity and effectiveness of care;

3. Assess current methods and capabilities for consumer care coordination and propose enhancements to increase the number of individuals served and the effectiveness of care coordination services; and

4. Result from a collaborative effort of providers in the region that is facilitated and documented by the managing entity.

(b) In order to earn designation as a coordinated care organization, the managing entity must document working relationships among providers established through written coordination agreements that define common protocols for intake and assessment, create methods of data sharing, institute joint operational procedures, provide for integrated care planning and case management, and initiate cooperative evaluation procedures.

(c) After earning designation, the managing entity must maintain this status by documenting the ongoing use and continuous improvement of the coordination methods specified in the written agreements.

(d) Before designating a managing entity as a coordinated care organization, the department must seek input from the providers and other community stakeholders to assess the effectiveness of entity's coordination efforts.

(6) ESSENTIAL ELEMENTS.—It is the intent of the Legislature that the department may plan for and enter into contracts with managing entities to manage care in geographical areas throughout the state. A comprehensive range of services includes the following essential elements:

1. A centralized receiving facility or a coordinated receiving system consisting of written agreements and operational policies that support efficient methods of triaging patients to appropriate providers.

2. Crisis services, including mobile response teams and crisis stabilization units.

3. Case management and consumer care coordination.

4. Outpatient services.

5. Residential services.

6. Hospital inpatient care.

7. Aftercare and other postdischarge services.

8. Recovery support, including housing assistance and support for competitive employment, educational attainment, independent living skills development, family support and education, and wellness management and self-care.

9. Medical services necessary for coordination of behavioral health services with primary care.

10. Prevention and outreach services.

11. Medication-assisted treatment.

12. Detoxification services.

(a) The managing entity must demonstrate the ability of its network of providers to comply with the pertinent provisions of this chapter and chapter 397 and to ensure the provision of comprehensive behavioral health services. The network of providers must include, but need not be limited to, community mental health agencies, substance abuse treatment providers, and best practice consumer services providers.

(b) The department shall terminate its mental health or substance abuse provider contracts for services to be provided by the managing entity at the same time it contracts with the managing entity.

(c) The managing entity shall ensure that its provider network is broadly conceived. All mental health or substance abuse treatment providers currently under contract with the department shall be offered a contract by the managing entity.

(d) The department may contract with managing entities to provide the following core functions:

1. Financial accountability.

2. Allocation of funds to network providers in a manner that reflects the department's strategic direction and plans.

3. Provider monitoring to ensure compliance with federal and state laws, rules, and regulations.

4. Data collection, reporting, and analysis.

5. Operational plans to implement objectives of the department's strategic plan.

6. Contract compliance.

7. Performance management.

8. Collaboration with community stakeholders, including local government.

9. System of care through network development.

10. Consumer care coordination.

11. Continuous quality improvement.

12. Timely access to appropriate services.

13. Cost effectiveness and system improvements.

14. Assistance in the development of the department's strategic plan.

15. Participation in community, circuit, regional, and state planning.

16. Resource management and maximization, including pursuit of third party payments and grant applications.

17. Incentives for providers to improve quality and access.

18. Liaison with consumers.

19. Community needs assessment.

20. Securing local matching funds.

(e) The managing entity shall ensure that written cooperative agreements are developed and implemented among the criminal and juvenile justice systems, the local community-based care network, and the local behavioral health providers in the geographic area which define strategies and alternatives for diverting people who have mental illness and substance abuse problems from the criminal justice system to the community. These agreements must also address the provision of appropriate services to persons who have behavioral health problems and leave the criminal justice system.

(f) Managing entities must collect and submit data to the department regarding persons served, outcomes of persons served, and the costs of services provided through the department's contract. The department shall evaluate managing entity services based on consumer-centered outcome measures that reflect national standards that can dependably be measured. The department shall work with managing entities to establish performance standards related to:

1. The extent to which individuals in the community receive services.

2. The improvement of quality of care for individuals served.

3. The success of strategies to divert jail, prison, and forensic facility admissions.

4. Consumer and family satisfaction.

5.—The satisfaction of key community constituents such as law enforcement agencies, juvenile justice agencies, the courts, the schools, local government entities, hospitals, and others as appropriate for the geographical area of the managing entity.

(g) ~~The Agency for Health Care Administration may establish a certified match program, which must be voluntary. Under a certified match program, reimbursement is limited to the federal Medicaid share to Medicaid enrolled strategy participants. The agency may take no action to implement a certified match program unless the consultation provisions of chapter 216 have been met. The agency may seek federal waivers that are necessary to implement the behavioral health service delivery strategies.~~

(7) MANAGING ENTITY REQUIREMENTS.—The department may adopt rules and *contractual standards related to and a process for* the qualification and operation of managing entities which are based, in part, on the following criteria:

(a) ~~As of the execution of the revised contract, the department must verify that each~~ A managing entity's governing board meets the requirements of this section. ~~governance structure shall be representative and shall, at a minimum, include consumers and family members, appropriate community stakeholders and organizations, and providers of substance abuse and mental health services as defined in this chapter and chapter 397. If there are one or more private receiving facilities in the geographic coverage area of a managing entity, the managing entity shall have one representative for the private receiving facilities as an ex officio member of its board of directors.~~

1. *The composition of the board must be broadly representative of the community and include consumers and family members, community organizations that do not contract with the managing entity, local governments, area law enforcement agencies, business leaders, community-based care lead agency representatives, health care professionals, and representatives of health care facilities. Representatives of local governments, including counties, school boards, sheriffs, and independent hospital taxing districts may, however, serve as voting members even if they contract with the managing entity.*

2. *The managing entity must establish a technical advisory panel consisting of providers of mental health and substance abuse services that selects at least one member to serve as an ex officio member of the governing board.*

(b) *The managing entity must create a transparent process for nomination and selection of board members and must adopt a procedure for establishing staggered term limits with ensures that no individual serves more than 8 consecutive years on the board* ~~A managing entity that was originally formed primarily by substance abuse or mental health providers must present and demonstrate a detailed, consensus approach to expanding its provider network and governance to include both substance abuse and mental health providers.~~

(c) ~~A managing entity must submit a network management plan and budget in a form and manner determined by the department. The plan must detail the means for implementing the duties to be contracted to the managing entity and the efficiencies to be anticipated by the department as a result of executing the contract. The department may require modifications to the plan and must approve the plan before contracting with a managing entity. The department may contract with a managing entity that demonstrates readiness to assume core functions, and may continue to add functions and responsibilities to the managing entity's contract over time as additional competencies are developed as identified in paragraph (g). Notwithstanding other provisions of this section, the department may continue and expand managing entity contracts if the department determines that the managing entity meets the requirements specified in this section.~~

(d) ~~Notwithstanding paragraphs (b) and (c), a managing entity that is currently a fully integrated system providing mental health and substance abuse services, Medicaid, and child welfare services is permitted to continue operating under its current governance structure as long as the managing entity can demonstrate to the department that consumers, other stakeholders, and network providers are included in the planning process.~~

(c)(e) Managing entities shall operate in a transparent manner, providing public access to information, notice of meetings, and opportunities for broad public participation in decisionmaking. The managing entity's network management plan must detail policies and procedures that ensure transparency.

(d)(f) Before contracting with a managing entity, the department must perform an onsite readiness review of a managing entity to determine its operational capacity to satisfactorily perform the duties to be contracted.

(e)(g) The department shall engage community stakeholders, including providers and managing entities under contract with the department, in the development of objective standards to measure the competencies of managing entities and their readiness to assume the responsibilities described in this section, and the outcomes to hold them accountable.

(8) ~~DEPARTMENT RESPONSIBILITIES.—With the introduction of managing entities to monitor department contracted providers' day-to-day operations, the department and its regional and circuit offices will have increased ability to focus on broad systemic substance abuse and mental health issues. After the department enters into a managing entity contract in a geographic area, the regional and circuit offices of the department in that area shall direct their efforts primarily to monitoring the managing entity contract, including negotiation of system quality improvement goals each contract year, and review of the managing entity's plans to execute department strategic plans; carrying out statutorily mandated licensure functions; conducting community and regional substance abuse and mental health planning; communicating to the department the local needs assessed by the managing entity; preparing department strategic plans; coordinating with other state and local agencies; assisting the department in assessing local trends and issues and advising departmental headquarters on local priorities; and providing leadership in disaster planning and preparation.~~

(8)(9) FUNDING FOR MANAGING ENTITIES.—

(a) A contract established between the department and a managing entity under this section shall be funded by general revenue, other applicable state funds, or applicable federal funding sources. A managing entity may carry forward documented unexpended state funds from one fiscal year to the next; however, the cumulative amount carried forward may not exceed 8 percent of the total contract. Any unexpended state funds in excess of that percentage must be returned to the department. The funds carried forward may not be used in a way that would create increased recurring future obligations or for any program or service that is not currently authorized under the existing contract with the department. Expenditures of funds carried forward must be separately reported to the department. Any unexpended funds that remain at the end of the contract period shall be returned to the department. Funds carried forward may be retained through contract renewals and new procurements as long as the same managing entity is retained by the department.

(b) The method of payment for a fixed-price contract with a managing entity must provide for a 2-month advance payment at the beginning of each fiscal year and equal monthly payments thereafter.

(10) ~~REPORTING.—Reports of the department's activities, progress, and needs in achieving the goal of contracting with managing entities in each circuit and region statewide must be submitted to the appropriate substantive and appropriations committees in the Senate and the House of Representatives on January 1 and July 1 of each year until the full transition to managing entities has been accomplished statewide.~~

(9)(11) RULES.—The department ~~may~~ shall adopt rules to administer this section and, as necessary, to further specify requirements of managing entities.

(10) *CRISIS STABILIZATION SERVICES UTILIZATION DATA-BASE.—The department shall develop, implement, and maintain standards under which a managing entity shall collect utilization data from all public receiving facilities situated within its geographic service area. As used in this subsection, the term "public receiving facility" means an entity that meets the licensure requirements of and is designated by the department to operate as a public receiving facility under s. 394.875 and that is operating as a licensed crisis stabilization unit.*

(a) *The department shall develop standards and protocols for managing entities and public receiving facilities to use in the collection, storage, transmittal, and analysis of data. The standards and protocols must allow for compatibility of data and data transmittal between public receiving facilities, managing entities, and the department for the implementation and requirements of this subsection. The department shall require managing entities contracted under this section to comply with this subsection by August 1, 2015.*

(b) *A managing entity shall require a public receiving facility within its provider network to submit data to the managing entity, in real time or at least daily, for:*

1. *All admissions and discharges of clients receiving public receiving facility services who qualify as indigent, as defined in s. 394.4787; and*

2. *A current active census of total licensed beds, the number of beds purchased by the department, the number of clients qualifying as indigent occupying those beds, and the total number of unoccupied licensed beds regardless of funding.*

(c) *A managing entity shall require a public receiving facility within its provider network to submit data, on a monthly basis, to the managing entity which aggregates the daily data submitted under paragraph (b). The managing entity shall reconcile the data in the monthly submission to the data received by the managing entity under paragraph (b) to check for consistency. If the monthly aggregate data submitted by a public receiving facility under this paragraph is inconsistent with the daily data submitted under paragraph (b), the managing entity shall consult with the public receiving facility to make corrections as necessary to ensure accurate data.*

(d) *A managing entity shall require a public receiving facility within its provider network to submit data, on an annual basis, to the managing entity which aggregates the data submitted and reconciled under paragraph (c). The managing entity shall reconcile the data in the annual submission to the data received and reconciled by the managing entity under paragraph (c) to check for consistency. If the annual aggregate data submitted by a public receiving facility under this paragraph is inconsistent with the data received and reconciled under paragraph (c), the managing entity shall consult with the public receiving facility to make corrections as necessary to ensure accurate data.*

(e) *After ensuring accurate data under paragraphs (c) and (d), the managing entity shall submit the data to the department on a monthly and an annual basis. The department shall create a statewide database for the data described under paragraph (b) and submitted under this paragraph for the purpose of analyzing the payments for and the use of crisis stabilization services funded under the Baker Act on a statewide basis and on an individual public receiving facility basis.*

(f) *The department shall adopt rules to administer this subsection.*

(g) *The department shall submit a report by January 31, 2016, and annually thereafter, to the Governor, the President of the Senate, and the Speaker of the House of Representatives which provides details on the implementation of this subsection, including the status of the data collection process and a detailed analysis of the data collected under this subsection.*

Section 64. *For the 2015-2016 fiscal year, the sum of \$175,000 in nonrecurring funds from the Alcohol, Drug Abuse, and Mental Health Trust Fund is appropriated to the Department of Children and Families to implement s. 394.9082(10).*

Section 65. Section 397.402, Florida Statutes, is created to read:

397.402 *Single, consolidated licensure.—The department and the Agency for Health Care Administration shall develop a plan for modifying licensure statutes and rules to provide options for a single, consolidated license for a provider that offers multiple types of mental health and substance abuse services regulated under chapters 394 and 397. The plan shall identify options for license consolidation within the department and within the agency, and shall identify interagency license consolidation options. The department and the agency shall submit the plan to the Governor, the President of the Senate, and the Speaker of the House of Representatives by November 1, 2015.*

Section 66. Present paragraphs (d) through (m) of subsection (2) of section 409.967, Florida Statutes, are redesignated as paragraphs (e) through (n), respectively, and a new paragraph (d) is added to that subsection, to read:

409.967 *Managed care plan accountability.—*

(2) *The agency shall establish such contract requirements as are necessary for the operation of the statewide managed care program. In addition to any other provisions the agency may deem necessary, the contract must require:*

(d) *Quality care.—Managed care plans shall provide, or contract for the provision of, care coordination to facilitate the appropriate delivery of behavioral health care services in the least restrictive setting with treatment and recovery capabilities that address the needs of the patient. Services shall be provided in a manner that integrates behavioral health services and primary care. Plans shall be required to achieve specific behavioral health outcome standards, established by the agency in consultation with the Department of Children and Families.*

Section 67. Subsection (5) is added to section 409.973, Florida Statutes, to read:

409.973 *Benefits.—*

(5) *INTEGRATED BEHAVIORAL HEALTH INITIATIVE.—Each plan operating in the managed medical assistance program shall work with the managing entity in its service area to establish specific organizational supports and service protocols that enhance the integration and coordination of primary care and behavioral health services for Medicaid recipients. Progress in this initiative will be measured using the integration framework and core measures developed by the Agency for Healthcare Research and Quality.*

Section 68. *Section 394.4674, Florida Statutes, is repealed.*

Section 69. *Section 394.4985, Florida Statutes, is repealed.*

Section 70. *Section 394.745, Florida Statutes, is repealed.*

Section 71. *Section 397.331, Florida Statutes, is repealed.*

Section 72. *Section 397.333, Florida Statutes, is repealed.*

Section 73. *Section 397.801, Florida Statutes, is repealed.*

Section 74. *Section 397.811, Florida Statutes, is repealed.*

Section 75. *Section 397.821, Florida Statutes, is repealed.*

Section 76. *Section 397.901, Florida Statutes, is repealed.*

Section 77. *Section 397.93, Florida Statutes, is repealed.*

Section 78. *Section 397.94, Florida Statutes, is repealed.*

Section 79. *Section 397.951, Florida Statutes, is repealed.*

Section 80. *Section 397.97, Florida Statutes, is repealed.*

Section 81. Section 491.0045, Florida Statutes, is amended to read:

491.0045 *Intern registration; requirements.—*

(1) ~~Effective January 1, 1998, An individual who has not satisfied intends to practice in Florida to satisfy~~ the postgraduate or post-master's level experience requirements, as specified in s. 491.005(1)(c), (3)(c), or (4)(c), must register as an intern in the profession for which he or she is seeking licensure prior to commencing the post-master's experience requirement or an individual who intends to satisfy part of the required graduate-level practicum, internship, or field experience, outside the academic arena for any profession, must register as an intern in the profession for which he or she is seeking licensure prior to commencing the practicum, internship, or field experience.

(2) The department shall register as a clinical social worker intern, marriage and family therapist intern, or mental health counselor intern each applicant who the board certifies has:

(a) Completed the application form and remitted a nonrefundable application fee not to exceed \$200, as set by board rule;

(b)1. Completed the education requirements as specified in s. 491.005(1)(c), (3)(c), or (4)(c) for the profession for which he or she is applying for licensure, if needed; and

2. Submitted an acceptable supervision plan, as determined by the board, for meeting the practicum, internship, or field work required for licensure that was not satisfied in his or her graduate program.

(c) Identified a qualified supervisor.

(3) An individual registered under this section must remain under supervision *while practicing under registered intern status* ~~until he or she is in receipt of a license or a letter from the department stating that he or she is licensed to practice the profession for which he or she applied.~~

~~(4) An individual who has applied for intern registration on or before December 31, 2001, and has satisfied the education requirements of s. 491.005 that are in effect through December 31, 2000, will have met the educational requirements for licensure for the profession for which he or she has applied.~~

~~(4)(5) An individual who fails~~ Individuals who have commenced the experience requirement as specified in s. 491.005(1)(c), (3)(c), or (4)(c) but failed to register as required by subsection (1) shall register with the department before January 1, 2000. Individuals who fail to comply with this section ~~may~~ subsection shall not be granted a license under this chapter, and any time spent by the individual completing the experience requirement as specified in s. 491.005(1)(c), (3)(c), or (4)(c) before ~~prior to~~ registering as an intern does ~~shall~~ not count toward completion of the ~~such~~ requirement.

(5) An intern registration is valid for 5 years.

(6) Any registration issued on or before March 31, 2016, expires March 31, 2021, and may not be renewed or reissued. Any registration issued after March 31, 2016, expires 60 months after the date it is issued. A subsequent intern registration may not be issued unless the candidate has passed the theory and practice examination described in s. 491.005(1)(d), (3)(d), and (4)(d).

(7) An individual who has held a provisional license issued by the board may not apply for an intern registration in the same profession.

Section 82. Subsection (15) of section 397.321, Florida Statutes, is amended to read:

397.321 Duties of the department.—The department shall:

(15) Appoint a substance abuse impairment coordinator to represent the department in efforts initiated by the statewide substance abuse impairment prevention and treatment coordinator ~~established in s. 397.804~~ and to assist the statewide coordinator in fulfilling the responsibilities of that position.

Section 83. Subsection (1) of section 397.98, Florida Statutes, is amended to read:

397.98 Children’s substance abuse services; utilization management.—

(1) Utilization management shall be an integral part of each Children’s Network of Care Demonstration Model ~~as described under s. 397.97~~. The utilization management process shall include procedures for analyzing the allocation and use of resources by the purchasing agent. Such procedures shall include:

- (a) Monitoring the appropriateness of admissions to residential services or other levels of care as determined by the department.
- (b) Monitoring the duration of care.
- (c) Developing profiles of network providers which describe their patterns of delivering care.
- (d) Authorizing care for high-cost services.

Section 84. Paragraph (e) of subsection (3) of section 409.966, Florida Statutes, is amended to read:

409.966 Eligible plans; selection.—

(3) QUALITY SELECTION CRITERIA.—

(e) To ensure managed care plan participation in Regions 1 and 2, the agency shall award an additional contract to each plan with a contract award in Region 1 or Region 2. Such contract shall be in any other region in which the plan submitted a responsive bid and negotiates a rate acceptable to the agency. If a plan that is awarded an additional contract pursuant to this paragraph is subject to penalties pursuant to s. 409.967(2)(i) ~~s. 409.967(2)(b)~~ for activities in Region 1 or Region 2, the additional contract is automatically terminated 180 days after the imposition of the penalties. The plan must reimburse the agency for the cost of enrollment changes and other transition activities.

Section 85. Paragraph (a) of subsection (5) of section 943.031, Florida Statutes, is amended to read:

943.031 Florida Violent Crime and Drug Control Council.—

(5) DUTIES OF COUNCIL.—Subject to funding provided to the department by the Legislature, the council shall provide advice and make recommendations, as necessary, to the executive director of the department.

(a) The council may advise the executive director on the feasibility of undertaking initiatives which include, but are not limited to, the following:

1. Establishing a program that provides grants to criminal justice agencies that develop and implement effective violent crime prevention and investigative programs and which provides grants to law enforcement agencies for the purpose of drug control, criminal gang, and illicit money laundering investigative efforts or task force efforts that are determined by the council to significantly contribute to achieving the state’s goal of reducing drug-related crime, that represent significant criminal gang investigative efforts, that represent a significant illicit money laundering investigative effort, or that otherwise significantly support statewide strategies developed by the Statewide Drug Policy Advisory Council ~~established under s. 397.333~~, subject to the limitations provided in this section. The grant program may include an innovations grant program to provide startup funding for new initiatives by local and state law enforcement agencies to combat violent crime or to implement drug control, criminal gang, or illicit money laundering investigative efforts or task force efforts by law enforcement agencies, including, but not limited to, initiatives such as:

- a. Providing enhanced community-oriented policing.
- b. Providing additional undercover officers and other investigative officers to assist with violent crime investigations in emergency situations.
- c. Providing funding for multiagency or statewide drug control, criminal gang, or illicit money laundering investigative efforts or task force efforts that cannot be reasonably funded completely by alternative sources and that significantly contribute to achieving the state’s goal of reducing drug-related crime, that represent significant criminal gang investigative efforts, that represent a significant illicit money laundering investigative effort, or that otherwise significantly support statewide strategies developed by the Statewide Drug Policy Advisory Council ~~established under s. 397.333~~.
- 2. Expanding the use of automated biometric identification systems at the state and local levels.
- 3. Identifying methods to prevent violent crime.
- 4. Identifying methods to enhance multiagency or statewide drug control, criminal gang, or illicit money laundering investigative efforts or task force efforts that significantly contribute to achieving the state’s goal of reducing drug-related crime, that represent significant criminal gang investigative efforts, that represent a significant illicit money laundering investigative effort, or that otherwise significantly support statewide strategies developed by the Statewide Drug Policy Advisory Council ~~established under s. 397.333~~.

5. Enhancing criminal justice training programs that address violent crime, drug control, illicit money laundering investigative techniques, or efforts to control and eliminate criminal gangs.

6. Developing and promoting crime prevention services and educational programs that serve the public, including, but not limited to:

a. Enhanced victim and witness counseling services that also provide crisis intervention, information referral, transportation, and emergency financial assistance.

b. A well-publicized rewards program for the apprehension and conviction of criminals who perpetrate violent crimes.

7. Enhancing information sharing and assistance in the criminal justice community by expanding the use of community partnerships and community policing programs. Such expansion may include the use of civilian employees or volunteers to relieve law enforcement officers of clerical work in order to enable the officers to concentrate on street visibility within the community.

Section 86. Subsection (1) of section 943.042, Florida Statutes, is amended to read:

943.042 Violent Crime Investigative Emergency and Drug Control Strategy Implementation Account.—

(1) There is created a Violent Crime Investigative Emergency and Drug Control Strategy Implementation Account within the Department of Law Enforcement Operating Trust Fund. The account shall be used to provide emergency supplemental funds to:

(a) State and local law enforcement agencies that are involved in complex and lengthy violent crime investigations, or matching funding to multiagency or statewide drug control or illicit money laundering investigative efforts or task force efforts that significantly contribute to achieving the state's goal of reducing drug-related crime, that represent a significant illicit money laundering investigative effort, or that otherwise significantly support statewide strategies developed by the Statewide Drug Policy Advisory Council ~~established under s. 397.333;~~

(b) State and local law enforcement agencies that are involved in violent crime investigations which constitute a significant emergency within the state; or

(c) Counties that demonstrate a significant hardship or an inability to cover extraordinary expenses associated with a violent crime trial.

Section 87. For the purpose of incorporating the amendment made by this act to section 394.492, Florida Statutes, in a reference thereto, paragraph (a) of subsection (6) of section 39.407, Florida Statutes, is reenacted to read:

39.407 Medical, psychiatric, and psychological examination and treatment of child; physical, mental, or substance abuse examination of person with or requesting child custody.—

(6) Children who are in the legal custody of the department may be placed by the department, without prior approval of the court, in a residential treatment center licensed under s. 394.875 or a hospital licensed under chapter 395 for residential mental health treatment only pursuant to this section or may be placed by the court in accordance with an order of involuntary examination or involuntary placement entered pursuant to s. 394.463 or s. 394.467. All children placed in a residential treatment program under this subsection must have a guardian ad litem appointed.

(a) As used in this subsection, the term:

1. "Residential treatment" means placement for observation, diagnosis, or treatment of an emotional disturbance in a residential treatment center licensed under s. 394.875 or a hospital licensed under chapter 395.

2. "Least restrictive alternative" means the treatment and conditions of treatment that, separately and in combination, are no more intrusive or restrictive of freedom than reasonably necessary to achieve a substantial therapeutic benefit or to protect the child or adolescent or others from physical injury.

3. "Suitable for residential treatment" or "suitability" means a determination concerning a child or adolescent with an emotional disturbance as defined in s. 394.492(5) or a serious emotional disturbance as defined in s. 394.492(6) that each of the following criteria is met:

a. The child requires residential treatment.

b. The child is in need of a residential treatment program and is expected to benefit from mental health treatment.

c. An appropriate, less restrictive alternative to residential treatment is unavailable.

Section 88. For the purpose of incorporating the amendment made by this act to section 394.492, Florida Statutes, in a reference thereto, subsection (21) of section 394.67, Florida Statutes, is reenacted to read:

394.67 Definitions.—As used in this part, the term:

(21) "Residential treatment center for children and adolescents" means a 24-hour residential program, including a therapeutic group home, which provides mental health services to emotionally disturbed children or adolescents as defined in s. 394.492(5) or (6) and which is a private for-profit or not-for-profit corporation licensed by the agency which offers a variety of treatment modalities in a more restrictive setting.

Section 89. For the purpose of incorporating the amendment made by this act to section 394.492, Florida Statutes, in a reference thereto, paragraph (b) of subsection (1) of section 394.674, Florida Statutes, is reenacted to read:

394.674 Eligibility for publicly funded substance abuse and mental health services; fee collection requirements.—

(1) To be eligible to receive substance abuse and mental health services funded by the department, an individual must be a member of at least one of the department's priority populations approved by the Legislature. The priority populations include:

(b) For children's mental health services:

1. Children who are at risk of emotional disturbance as defined in s. 394.492(4).

2. Children who have an emotional disturbance as defined in s. 394.492(5).

3. Children who have a serious emotional disturbance as defined in s. 394.492(6).

4. Children diagnosed as having a co-occurring substance abuse and emotional disturbance or serious emotional disturbance.

Section 90. For the purpose of incorporating the amendment made by this act to section 394.492, Florida Statutes, in a reference thereto, subsection (1) of section 394.676, Florida Statutes, is reenacted to read:

394.676 Indigent psychiatric medication program.—

(1) Within legislative appropriations, the department may establish the indigent psychiatric medication program to purchase psychiatric medications for persons as defined in s. 394.492(5) or (6) or pursuant to s. 394.674(1), who do not reside in a state mental health treatment facility or an inpatient unit.

Section 91. For the purpose of incorporating the amendment made by this act to section 394.492, Florida Statutes, in a reference thereto, paragraph (c) of subsection (2) of section 409.1676, Florida Statutes, is reenacted to read:

409.1676 Comprehensive residential group care services to children who have extraordinary needs.—

(2) As used in this section, the term:

(c) "Serious behavioral problems" means behaviors of children who have been assessed by a licensed master's-level human-services professional to need at a minimum intensive services but who do not meet the criteria of s. 394.492(7). A child with an emotional disturbance as defined

in s. 394.492(5) or (6) may be served in residential group care unless a determination is made by a mental health professional that such a setting is inappropriate. A child having a serious behavioral problem must have been determined in the assessment to have at least one of the following risk factors:

1. An adjudication of delinquency and be on conditional release status with the Department of Juvenile Justice.
2. A history of physical aggression or violent behavior toward self or others, animals, or property within the past year.
3. A history of setting fires within the past year.
4. A history of multiple episodes of running away from home or placements within the past year.
5. A history of sexual aggression toward other youth.

Section 92. For the purpose of incorporating the amendment made by this act to section 394.492, Florida Statutes, in a reference thereto, paragraph (b) of subsection (1) of section 409.1677, Florida Statutes, is reenacted to read:

409.1677 Model comprehensive residential services programs.—

(1) As used in this section, the term:

(b) “Serious behavioral problems” means behaviors of children who have been assessed by a licensed master’s-level human-services professional to need at a minimum intensive services but who do not meet the criteria of s. 394.492(6) or (7). A child with an emotional disturbance as defined in s. 394.492(5) may be served in residential group care unless a determination is made by a mental health professional that such a setting is inappropriate.

Section 93. Except as otherwise expressly provided in this act, this act shall take effect July 1, 2015.

And the title is amended as follows:

Delete everything before the enacting clause and insert: An act relating to mental health and substance abuse; providing a directive to the Division of Law Revision and Information; amending ss. 29.004, 39.001, 39.507, and 39.521, F.S.; conforming provisions to changes made by the act; amending s. 381.0056, F.S.; revising the definition of the term “emergency health needs”; requiring school health services plans to include notification requirements when a student is removed from school, school transportation, or a school-sponsored activity for involuntary examination; amending s. 394.453, F.S.; providing legislative intent regarding the development of programs related to substance abuse impairment by the Department of Children and Families; expanding legislative intent related to a guarantee of dignity and human rights to all individuals who are admitted to substance abuse treatment facilities; amending s. 394.455, F.S.; defining and redefining terms; deleting terms; amending s. 394.457, F.S.; adding substance abuse services as a program focus for which the Department of Children and Families is responsible; deleting a requirement that the department establish minimum standards for personnel employed in mental health programs and provide orientation and training materials; amending s. 394.4573, F.S.; deleting a term; adding substance abuse care as an element of the continuity of care management system that the department must establish; deleting duties and measures of performance of the department regarding the continuity of care management system; amending s. 394.459, F.S.; extending a right to dignity to all individuals held for examination or admitted for mental health or substance abuse treatment; providing procedural requirements that must be followed to detain without consent an individual who has a substance abuse impairment but who has not been charged with a criminal offense; providing that individuals held for examination or admitted for treatment at a facility have a right to certain evaluation and treatment procedures; removing provisions regarding express and informed consent for medical procedures requiring the use of a general anesthetic or electroconvulsive treatment; requiring facilities to have written procedures for reporting events that place individuals receiving services at risk of harm; requiring service providers to provide information concerning advance directives to individuals receiving services; amending s. 394.4597, F.S.; specifying certain persons who are prohibited from being selected as an individual’s representative; providing certain rights to representatives;

amending s. 394.4598, F.S.; specifying certain persons who are prohibited from being appointed as an individual’s guardian advocate; providing guidelines for decisions of guardian advocates; amending s. 394.4599, F.S.; including health care surrogates and proxies as individuals who may act on behalf of an individual involuntarily admitted to a facility; requiring a receiving facility to give notice immediately of the whereabouts of a minor who is being held involuntarily to the minor’s parent, guardian, caregiver, or guardian advocate; providing circumstances when notification may be delayed; requiring the receiving facility to make continuous attempts to notify; authorizing the receiving facility to seek assistance from law enforcement under certain circumstances; requiring the receiving facility to document notification attempts in the minor’s clinical record; amending s. 394.4615, F.S.; adding a condition under which the clinical record of an individual must be released to the state attorney; providing for the release of information from the clinical record to law enforcement agencies under certain circumstances; amending s. 394.462, F.S.; providing that a person in custody for a felony other than a forcible felony must be transported to the nearest receiving facility for examination; providing that a law enforcement officer may transport an individual meeting the criteria for voluntary admission to a mental health receiving facility, addictions receiving facility, or detoxification facility at the individual’s request; amending s. 394.4625, F.S.; providing criteria for the examination and treatment of an individual who is voluntarily admitted to a facility; providing criteria for the release or discharge of the individual; providing that a voluntarily admitted individual who is released or discharged and who is currently charged with a crime shall be returned to the custody of a law enforcement officer; providing procedures for transferring an individual to voluntary status and involuntary status; amending s. 394.463, F.S.; providing for the involuntary examination of a person for a substance abuse impairment; providing for the transportation of an individual for an involuntary examination; providing that a certificate for an involuntary examination must contain certain information; providing criteria and procedures for the release of an individual held for involuntary examination from receiving or treatment facilities; amending s. 394.4655, F.S.; adding substance abuse impairment as a condition to which criteria for involuntary outpatient placement apply; providing guidelines for an attorney representing an individual subject to proceedings for involuntary outpatient placement; providing guidelines for the state attorney in prosecuting a petition for involuntary placement; requiring the court to consider certain information when determining whether to appoint a guardian advocate for the individual; requiring the court to inform the individual and his or her representatives of the individual’s right to an independent expert examination with regard to proceedings for involuntary outpatient placement; amending s. 394.467, F.S.; adding substance abuse impairment as a condition to which criteria for involuntary inpatient placement apply; adding addictions receiving facilities and detoxification facilities as identified receiving facilities; providing for first and second medical opinions in proceedings for placement for treatment of substance abuse impairment; providing guidelines for attorney representation of an individual subject to proceedings for involuntary inpatient placement; providing guidelines for the state attorney in prosecuting a petition for involuntary placement; setting standards for the court to accept a waiver of the individual’s rights; requiring the court to consider certain testimony regarding the individual’s prior history in proceedings; requiring the Division of Administrative Hearings to inform the individual and his or her representatives of the right to an independent expert examination; amending s. 394.4672, F.S.; providing authority of facilities of the United States Department of Veterans Affairs to conduct certain examinations and provide certain treatments; amending s. 394.47891, F.S.; expanding eligibility criteria for military veterans’ and servicemembers’ court programs; creating s. 394.47892, F.S.; authorizing counties to fund treatment-based mental health court programs; providing legislative intent; providing that pretrial program participation is voluntary; specifying criteria that a court must consider before sentencing a person to a postadjudicatory treatment-based mental health court program; requiring a judge presiding over a postadjudicatory treatment-based mental health court program to hear a violation of probation or community control under certain circumstances; providing that treatment-based mental health court programs may include specified programs; requiring a judicial circuit with a treatment-based mental health court program to establish a coordinator position, subject to annual appropriation by the Legislature; providing county funding requirements for treatment-based mental health court programs; authorizing the chief judge of a judicial circuit to appoint an advisory committee for the treatment-based mental health court program; specifying membership of

the committee; amending s. 394.656, F.S.; renaming the Criminal Justice, Mental Health, and Substance Abuse Statewide Grant Review Committee as the Criminal Justice, Mental Health, and Substance Abuse Statewide Grant Policy Committee; providing additional members of the committee; providing duties of the committee; providing additional qualifications for committee members; directing the Department of Children and Families to create a grant review and selection committee; providing duties of the committee; authorizing a designated not-for-profit community provider, managing entity, or coordinated care organization to apply for certain grants; providing eligibility requirements; defining the term "sequential intercept mapping"; removing provisions relating to applications for certain planning grants; amending s. 394.875, F.S.; removing a limitation on the number of beds in crisis stabilization units; creating s. 765.4015, F.S.; providing a short title; creating s. 765.402, F.S.; providing legislative findings; creating s. 765.403, F.S.; defining terms; creating s. 765.405, F.S.; authorizing an adult with capacity to execute a mental health or substance abuse treatment advance directive; providing a presumption of validity if certain requirements are met; specifying provisions that an advance directive may include; creating s. 765.406, F.S.; providing for execution of the mental health or substance abuse treatment advance directive; establishing requirements for a valid mental health or substance abuse treatment advance directive; providing that a mental health or substance abuse treatment advance directive is valid upon execution even if a part of the advance directive takes effect at a later date; allowing a mental health or substance abuse treatment advance directive to be revoked, in whole or in part, or to expire under its own terms; specifying that a mental health or substance abuse treatment advance directive does not or may not serve specified purposes; creating s. 765.407, F.S.; providing circumstances under which a mental health or substance abuse treatment advance directive may be revoked; providing circumstances under which a principal may waive specific directive provisions without revoking the advance directive; creating s. 765.410, F.S.; prohibiting criminal prosecution of a health care facility, provider, or surrogate who acts pursuant to a mental health or substance abuse treatment decision; providing applicability; creating s. 765.411, F.S.; providing for recognition of a mental health and substance abuse treatment advance directive executed in another state if it complies with the laws of this state; creating s. 916.185, F.S.; providing legislative findings and intent; defining terms; creating the Forensic Hospital Diversion Pilot Program; requiring the Department of Children and Families to implement a Forensic Hospital Diversion Pilot Program in five specified judicial circuits; providing eligibility criteria for participation in the pilot program; providing legislative intent concerning the training of judges; authorizing the department to adopt rules; directing the Office of Program Policy Analysis and Government Accountability to submit a report to the Governor and the Legislature by a certain date; creating s. 944.805, F.S.; defining the terms "department" and "nonviolent offender"; requiring the Department of Corrections to develop and administer a reentry program for nonviolent offenders which is intended to divert nonviolent offenders from long periods of incarceration; requiring that the program include intensive substance abuse treatment and rehabilitation programs; providing for the minimum length of service in the program; providing that any portion of a sentence before placement in the program does not count as progress toward program completion; identifying permissible locations for the operation of a reentry program; specifying eligibility criteria for a nonviolent offender's participation in the reentry program; requiring the department to screen and select eligible offenders for the program based on specified considerations; requiring the department to notify a nonviolent offender's sentencing court to obtain approval before the nonviolent offender is placed in the reentry program; requiring the department to notify the state attorney that an offender is being considered for placement in the program; authorizing the state attorney to file objections to placing the offender in the reentry program within a specified period; authorizing the sentencing court to consider certain factors when deciding whether to approve an offender for placement in a reentry program; requiring the sentencing court to notify the department of the court's decision to approve or disapprove the requested placement within a specified period; requiring a nonviolent offender to undergo an educational assessment and a complete substance abuse assessment if admitted into the reentry program; requiring an offender to be enrolled in an adult education program in specified circumstances; requiring that assessments of vocational skills and future career education be provided to an offender; requiring that certain reevaluation be made periodically; providing that a participating nonviolent offender is subject to the disciplinary rules of the department; specifying the reasons for which an offender may be terminated from the

reentry program; requiring that the department submit a report to the sentencing court at least 30 days before a nonviolent offender is scheduled to complete the reentry program; specifying the issues to be addressed in the report; authorizing a court to schedule a hearing to consider any modification to an imposed sentence; requiring the sentencing court to issue an order modifying the sentence imposed and placing a nonviolent offender on drug offender probation if the nonviolent offender's performance is satisfactory; authorizing the court to revoke probation and impose the original sentence in specified circumstances; authorizing the court to require an offender to complete a postadjudicatory drug court program in specified circumstances; directing the department to implement the reentry program using available resources; authorizing the department to enter into contracts with qualified individuals, agencies, or corporations for services for the reentry program; requiring offenders to abide by department conduct rules; authorizing the department to impose administrative or protective confinement as necessary; providing that the section does not create a right to placement in the reentry program or any right to placement or early release under supervision of any type; providing that the section does not create a cause of action related to the program; authorizing the department to establish a system of incentives within the reentry program which the department may use to promote participation in rehabilitative programs and the orderly operation of institutions and facilities; requiring the department to develop a system for tracking recidivism, including, but not limited to, rearrests and recommitment of nonviolent offenders who successfully complete the reentry program, and to report on recidivism in an annual report; requiring the department to submit an annual report to the Governor and Legislature detailing the extent of implementation of the reentry program, specifying requirements for the report; requiring the department to adopt rules; providing that specified provisions are not severable; amending s. 948.08, F.S.; expanding the definition of the term "veteran" for purposes of eligibility requirements for a pretrial intervention program; amending s. 948.16, F.S.; expanding the definition of the term "veteran" for purposes of eligibility requirements for a misdemeanor pretrial veterans' treatment intervention program; amending s. 948.21, F.S.; authorizing a court to impose certain conditions on certain probationers or community controllees; amending ss. 1002.20 and 1002.33, F.S.; requiring public school and charter school principals or their designees to provide notice of the whereabouts of a student removed from school, school transportation, or a school-sponsored activity for involuntary examination; providing circumstances under which notification may be delayed; requiring district school boards and charter school governing boards to develop notification policies and procedures; amending ss. 39.407, 394.4612, 394.495, 394.496, 394.499, 394.67, 394.674, 394.9085, 397.311, 397.702, 402.3057, 409.1757, 409.972, 744.704, and 790.065, F.S.; conforming cross-references; repealing s. 397.601, F.S., relating to voluntary admissions; repealing s. 397.675, F.S., relating to criteria for involuntary admissions, including protective custody, emergency admission, and other involuntary assessment, involuntary treatment, and alternative involuntary assessment for minors, for purposes of assessment and stabilization, and for involuntary treatment; repealing s. 397.6751, F.S., relating to service provider responsibilities regarding involuntary admissions; repealing s. 397.6752, F.S., relating to referral of involuntarily admitted individual for voluntary treatment; repealing s. 397.6758, F.S., relating to release of individual from protective custody, emergency admission, involuntary assessment, involuntary treatment, and alternative involuntary assessment of a minor; repealing s. 397.6759, F.S., relating to parental participation in treatment; repealing s. 397.677, F.S., relating to protective custody; circumstances justifying; repealing s. 397.6771, F.S., relating to protective custody with consent; repealing s. 397.6772, F.S., relating to protective custody without consent; repealing s. 397.6773, F.S., relating to dispositional alternatives after protective custody; repealing s. 397.6774, F.S., relating to department to maintain lists of licensed facilities; repealing s. 397.6775, F.S., relating to immunity from liability; repealing s. 397.679, F.S., relating to emergency admission; circumstances justifying; repealing s. 397.6791, F.S., relating to emergency admission; persons who may initiate; repealing s. 397.6793, F.S., relating to physician's certificate for emergency admission; repealing s. 397.6795, F.S., relating to transportation-assisted delivery of persons for emergency assessment; repealing s. 397.6797, F.S., relating to dispositional alternatives after emergency admission; repealing s. 397.6798, F.S., relating to alternative involuntary assessment procedure for minors; repealing s. 397.6799, F.S., relating to disposition of minor upon completion of alternative involuntary assessment; repealing s. 397.681, F.S., relating to involuntary petitions; general provisions; court jurisdiction and right to counsel; repealing s. 397.6811, F.S., relating to

involuntary assessment and stabilization; repealing s. 397.6814, F.S., relating to involuntary assessment and stabilization; contents of petition; repealing s. 397.6815, F.S., relating to involuntary assessment and stabilization; procedure; repealing s. 397.6818, F.S., relating to court determination; repealing s. 397.6819, F.S., relating to involuntary assessment and stabilization; responsibility of licensed service provider; repealing s. 397.6821, F.S., relating to extension of time for completion of involuntary assessment and stabilization; repealing s. 397.6822, F.S., relating to disposition of individual after involuntary assessment; repealing s. 397.693, F.S., relating to involuntary treatment; repealing s. 397.695, F.S., relating to involuntary treatment; persons who may petition; repealing s. 397.6951, F.S., relating to contents of petition for involuntary treatment; repealing s. 397.6955, F.S., relating to duties of court upon filing of petition for involuntary treatment; repealing s. 397.6957, F.S., relating to hearing on petition for involuntary treatment; repealing s. 397.697, F.S., relating to court determination; effect of court order for involuntary substance abuse treatment; repealing s. 397.6971, F.S., relating to early release from involuntary substance abuse treatment; repealing s. 397.6975, F.S., relating to extension of involuntary substance abuse treatment period; repealing s. 397.6977, F.S., relating to disposition of individual upon completion of involuntary substance abuse treatment; reenacting ss. 394.4685(1) and 394.469(2), F.S., to incorporate the amendment made to s. 394.4599, F.S., in references thereto; amending s. 394.455, F.S.; revising the definition of “mental illness” to exclude dementia and traumatic brain injuries; amending s. 394.492, F.S.; redefining terms; creating s. 394.761, F.S.; requiring the Agency for Health Care Administration and the Department of Children and Families to develop a plan to obtain federal approval for increasing the availability of federal Medicaid funding for behavioral health care; establishing improved integration of behavioral health and primary care services through the development and effective implementation of coordinated care organizations as the primary goal of obtaining the additional funds; requiring the agency and the department to submit the written plan, which must include certain information, to the Legislature by a specified date; requiring the agency to submit an Excellence in Mental Health Act grant application to the United States Department of Health and Human Services; amending s. 394.9082, F.S.; revising legislative findings and intent; redefining terms; requiring the managing entities, rather than the department, to contract with community based organizations to serve as managing entities; deleting provisions providing for contracting for services; providing contractual responsibilities of a managing entity; requiring the Department of Children and Families to revise contracts with all managing entities by a certain date; providing contractual terms and requirements; providing for termination of a contract with a managing entity under certain circumstances; providing how the department will choose a managing entity and the factors it must consider; requiring the department to develop and incorporate measurable outcome standards while addressing specified goals; providing that managing entities may earn designation as coordinated care organizations by developing and implementing a plan that achieves a certain goal; providing requirements for the plan; providing for earning and maintaining the designation of a managing entity as a coordinated care organization; requiring the department to seek input from certain entities and persons before designating a managing entity as a coordinated care organization; providing that a comprehensive range of services includes specified elements; revising the criteria for which the department may adopt rules and contractual standards related to the qualification and operation of managing entities; deleting certain departmental responsibilities; deleting a provision requiring an annual report to the Legislature; authorizing, rather than requiring, the department to adopt rules; defining the term “public receiving facility”; requiring the department to establish specified standards and protocols with respect to the administration of the crisis stabilization services utilization database; directing managing entities to require public receiving facilities to submit utilization data on a periodic basis; providing requirements for the data; requiring managing entities to periodically submit aggregate data to the department; requiring the department to adopt rules; requiring the department to annually submit a report to the Governor and the Legislature; prescribing report requirements; providing an appropriation to implement the database; creating s. 397.402, F.S.; requiring that the department and the agency submit a plan to the Governor and Legislature by a specified date with options for modifying certain licensure rules and procedures to provide for a single, consolidated license for providers that offer multiple types of mental health and substance abuse services; amending s. 409.967, F.S.; requiring that certain plans or contracts include specified requirements; amending s. 409.973, F.S.; requiring each plan operating in the managed medical

assistance program to work with the managing entity to establish specific organizational supports and service protocols; repealing s. 394.4674, F.S., relating to a plan and report; repealing s. 394.4985, F.S., relating to districtwide information and referral network and implementation; repealing s. 394.745, F.S., relating to an annual report and compliance of providers under contract with the department; repealing s. 397.331, F.S., relating to definitions; repealing s. 397.333, F.S., relating to the Statewide Drug Policy Advisory Council; repealing s. 397.801, F.S., relating to substance abuse impairment coordination; repealing s. 397.811, F.S., relating to juvenile substance abuse impairment coordination; repealing s. 397.821, F.S., relating to juvenile substance abuse impairment prevention and early intervention councils; repealing s. 397.901, F.S., relating to prototype juvenile addictions receiving facilities; repealing s. 397.93, F.S., relating to children’s substance abuse services and target populations; repealing s. 397.94, F.S., relating to children’s substance abuse services and the information and referral network; repealing s. 397.951, F.S., relating to treatment and sanctions; repealing s. 397.97, F.S., relating to children’s substance abuse services and demonstration models; amending s. 491.0045, F.S.; limiting an intern registration to 5 years; providing timelines for expiration of certain intern registrations; providing requirements for issuance of subsequent registrations; prohibiting an individual who held a provisional license from the board from applying for an intern registration in the same profession; amending ss. 397.321, 397.98, 409.966, 943.031, and 943.042, F.S.; conforming provisions and cross-references to changes made by the act; reenacting ss. 39.407(6)(a), 394.67(21), 394.674(1)(b), 394.676(1), 409.1676(2)(c), and 409.1677(1)(b), F.S., relating to the term “suitable for residential treatment” or “suitability,” the term “residential treatment center for children and adolescents,” children’s mental health services, the indigent psychiatric medication program, and the term “serious behavioral problems,” respectively, to incorporate the amendment made to s. 394.492, F.S., in references thereto; providing effective dates.

On motion by Senator Garcia, further consideration of **CS for SB 7068** with pending **Amendment 1 (902964)** was deferred.

CS for SB 1298—A bill to be entitled An act relating to minimum insurance requirements; amending s. 316.646, F.S.; requiring a transportation network company driver to have proof of certain insurance in his or her possession during a specified timeframe; creating s. 627.716, F.S.; defining terms; establishing insurance requirements for short-term rental network companies during certain timeframes; requiring a short-term rental network company to make certain written disclosures to participating lessors; requiring an insurer to defend and indemnify an insured in this state; prohibiting the personal insurance policy of a participating lessor of a short-term rental property from providing specified coverage during certain timeframes except under specified circumstances; requiring a short-term rental network company and its insurer to cooperate with certain claims investigations; providing that the section does not limit the liability of a short-term rental network company under specified circumstances; creating s. 627.748, F.S.; defining terms; requiring a transportation network company driver or such company on the driver’s behalf, or a combination thereof, to maintain primary automobile insurance issued by specified insurers with certain coverages in specified amounts during certain timeframes; requiring a transportation network company driver to maintain primary automobile insurance issued by specified insurers with certain coverages in specified amounts during certain timeframes; requiring the transportation network company to provide automobile insurance in the event insurance maintained by the transportation network company driver lapses or does not provide the required coverage; requiring a transportation network company driver to carry proof of certain insurance coverage at all times during his or her use of a personal vehicle and to disclose specified information in the event of an accident; requiring a transportation network company to make certain disclosures to transportation network company drivers; authorizing insurers to exclude certain coverages during specified periods for policies issued to transportation network company drivers for personal vehicles; requiring a transportation network company and certain insurers to cooperate during a claims investigation to facilitate the exchange of specified information; requiring a transportation network company to determine whether an individual’s personal vehicle is subject to a lien before allowing the individual to act as a driver and, if the vehicle is subject to a lien, to verify that the insurance required by this section provides coverage to the lienholder during specified periods; authorizing the Office of Insurance Regulation to adopt rules to implement the section; providing an effective date.

—as amended April 22 was read the third time by title.

Pursuant to Rule 7.1(1), there being no objection, consideration of the following late-filed amendment was allowed:

Senator Simmons moved the following amendment which was adopted by two-thirds vote:

Amendment 1 (314262)—Delete lines 102-120 and insert: *part VIII of chapter 468, chapter 475, or part I of chapter 509, an association as defined in s. 718.103 or s. 719.103, a homeowners' association as defined in s. 720.301, a developer or managing entity as defined in s. 721.05, or other entity that owns, manages, or otherwise controls the short-term rental property of the participating lessor.*

(e) *“Short-term rental network company insurance” means an insurance policy that provides coverage as required by this section at all times during the short-term rental period.*

(f) *“Short-term rental period” means a period of less than 30 days or one calendar month, whichever is less, beginning at the time the participating renter first uses or occupies the short-term rental property and ending at the time the participating renter vacates the short-term rental property.*

(g) *“Short-term rental property” means the entirety or any portion of a property which is used for residential occupancy purposes. The term includes, but is not limited to, a condominium, an apartment, a multifamily dwelling, a single-family structure, or any other rental unit located in this state which is owned or rented by a participating lessor. The term does not include a public lodging establishment licensed under part I of chapter 509 or a timeshare property as defined in s. 721.05.*

On motion by Senator Simmons, **CS for SB 1298** as amended was passed, ordered engrossed and certified to the House. The vote on passage was:

Yeas—28

Mr. President	Hays	Ring
Benacquisto	Hukill	Sachs
Bullard	Joyner	Simmons
Clemens	Latvala	Simpson
Dean	Lee	Smith
Detert	Legg	Sobel
Diaz de la Portilla	Margolis	Soto
Evers	Montford	Thompson
Garcia	Negron	
Grimsley	Richter	

Nays—12

Abruzzo	Brandes	Galvano
Altman	Braynon	Gibson
Bean	Flores	Hutson
Bradley	Gaetz	Stargel

Vote after roll call:

Yea to Nay—Sobel

SPECIAL GUESTS

The President recognized Caroline Meyer, daughter of Reynold Meyer, Chief of Staff of the Senate President's Office, who was present in the chamber.

SENATOR RICHTER PRESIDING

CS for HB 715—A bill to be entitled An act relating to eligibility for coverage by Citizens Property Insurance Corporation; amending s. 627.351, F.S.; deleting a provision prohibiting certain improvements to major structures from being eligible for coverage by Citizens Property Insurance Corporation; revising provisions with respect to prohibitions on coverage for major structures that have undergone specified changes after a specified permit application date; reenacting s. 627.712(1), F.S., relating to residential windstorm coverage, to incorporate the amend-

ment made by this act to s. 627.351, F.S., in a reference thereto; providing an effective date.

—was read the third time by title.

On motion by Senator Benacquisto, **CS for HB 715** was passed and certified to the House. The vote on passage was:

Yeas—38

Abruzzo	Flores	Montford
Altman	Gaetz	Negron
Bean	Galvano	Richter
Benacquisto	Garcia	Ring
Bradley	Gibson	Sachs
Brandes	Hays	Simmons
Braynon	Hukill	Simpson
Bullard	Hutson	Smith
Clemens	Joyner	Sobel
Dean	Latvala	Soto
Detert	Lee	Stargel
Diaz de la Portilla	Legg	Thompson
Evers	Margolis	

Nays—None

Vote after roll call:

Yea—Mr. President, Grimsley

Consideration of **CS for CS for SB 596** was deferred.

CS for HB 79—A bill to be entitled An act relating to crisis stabilization services; amending s. 394.9082, F.S.; requiring the Department of Children and Families to develop standards and protocols for the collection, storage, transmittal, and analysis of utilization data from public receiving facilities; defining the term “public receiving facility”; requiring the department to require compliance by managing entities by a specified date; requiring a managing entity to require public receiving facilities in its provider network to submit certain data within specified timeframes; requiring managing entities to reconcile data to ensure accuracy; requiring managing entities to submit certain data to the department within specified timeframes; requiring the department to create a statewide database; requiring the department to adopt rules; requiring the department to submit an annual report to the Governor and the Legislature; providing an appropriation; providing an effective date.

—was read the third time by title.

On motion by Senator Grimsley, **CS for HB 79** was passed and certified to the House. The vote on passage was:

Yeas—39

Abruzzo	Flores	Margolis
Altman	Gaetz	Montford
Bean	Galvano	Negron
Benacquisto	Garcia	Richter
Bradley	Gibson	Ring
Brandes	Grimsley	Sachs
Braynon	Hays	Simmons
Bullard	Hukill	Simpson
Clemens	Hutson	Smith
Dean	Joyner	Sobel
Detert	Latvala	Soto
Diaz de la Portilla	Lee	Stargel
Evers	Legg	Thompson

Nays—None

Vote after roll call:

Yea—Mr. President

CS for CS for SB 420—A bill to be entitled An act relating to animal control; amending s. 588.17, F.S.; providing a procedure for adopting or humanely disposing of impounded stray livestock, except cattle, as an alternative to sale or auction; amending s. 588.18, F.S.; requiring a county animal control center to establish fees and be responsible for damages caused while impounding livestock; amending s. 588.23, F.S.; conforming provisions to changes made by the act; amending s. 828.073, F.S.; conforming provisions to changes made by this act; authorizing certain municipal animal control officers to take custody of an animal found neglected or cruelly treated or to order the owner of such an animal to provide certain care at the owner's expense; authorizing county courts to remand animals to the custody of certain municipalities; authorizing the allocation of auction proceeds to certain animal control officers; amending s. 828.27, F.S.; deleting obsolete provisions; clarifying that certain provisions relating to local animal control are not the exclusive means of enforcing animal control laws; providing an effective date.

—was read the third time by title.

On motion by Senator Grimsley, **CS for CS for SB 420** was passed and certified to the House. The vote on passage was:

Yeas—39

Abruzzo	Flores	Margolis
Altman	Gaetz	Montford
Bean	Galvano	Negron
Benacquisto	Garcia	Richter
Bradley	Gibson	Ring
Brandes	Grimsley	Sachs
Braynon	Hays	Simmons
Bullard	Hukill	Simpson
Clemens	Hutson	Smith
Dean	Joyner	Sobel
Detert	Latvala	Soto
Diaz de la Portilla	Lee	Stargel
Evers	Legg	Thompson

Nays—None

Vote after roll call:

Yea—Mr. President

CS for SB 526—A bill to be entitled An act relating to notaries public; amending s. 92.525, F.S.; revising the methods available for verifying documents; amending s. 117.10, F.S.; defining the term “reliable electronic means”; authorizing specified officers to administer oaths by reliable electronic means when engaged in the performance of official duties; providing an effective date.

—was read the third time by title.

On motion by Senator Grimsley, **CS for SB 526** was passed and certified to the House. The vote on passage was:

Yeas—39

Abruzzo	Flores	Margolis
Altman	Gaetz	Montford
Bean	Galvano	Negron
Benacquisto	Garcia	Richter
Bradley	Gibson	Ring
Brandes	Grimsley	Sachs
Braynon	Hays	Simmons
Bullard	Hukill	Simpson
Clemens	Hutson	Smith
Dean	Joyner	Sobel
Detert	Latvala	Soto
Diaz de la Portilla	Lee	Stargel
Evers	Legg	Thompson

Nays—None

Vote after roll call:

Yea—Mr. President

CS for CS for CS for SB 252—A bill to be entitled An act relating to insurance; amending s. 408.909, F.S.; revising the due date for an annual report relating to health flex plans which must be submitted by the Office of Insurance Regulation and the Agency for Health Care Administration; amending s. 440.13, F.S.; revising the due date for a biennial report relating to methods to improve the workers' compensation health care delivery system which must be submitted by a certain three-member panel; amending s. 624.413, F.S.; increasing the number of years that a specified examination report remains valid and may be considered for the purpose of applying for a certificate of authority; amending s. 624.425, F.S.; providing that the absence of a counter-signature does not affect the validity of a policy or contract of insurance; amending s. 627.211, F.S.; revising the due date for an annual report relating to certain workers' compensation issues which must be submitted by the office; amending s. 627.971, F.S.; providing that the term “financial guaranty insurance” does not include guarantees of higher education loans unless written by a financial guaranty insurance corporation; providing an effective date.

—as amended April 22 was read the third time by title.

On motion by Senator Smith, **CS for CS for CS for SB 252** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

Abruzzo	Flores	Margolis
Altman	Gaetz	Montford
Bean	Galvano	Negron
Benacquisto	Garcia	Richter
Bradley	Gibson	Ring
Brandes	Grimsley	Sachs
Braynon	Hays	Simmons
Bullard	Hukill	Simpson
Clemens	Hutson	Smith
Dean	Joyner	Sobel
Detert	Latvala	Soto
Diaz de la Portilla	Lee	Stargel
Evers	Legg	Thompson

Nays—None

Vote after roll call:

Yea—Mr. President

CS for CS for HB 329—A bill to be entitled An act relating to special license plates; amending s. 320.089, F.S.; authorizing the Department of Highway Safety and Motor Vehicles to issue Combat Action Ribbon, Air Force Combat Action Medal, Distinguished Flying Cross, World War II Veteran, Woman Veteran, Navy Combat Veteran, Marine Corps Combat Veteran, Air Force Combat Veteran, and Navy Submariner license plates; specifying qualifications and requirements for the plates; providing for the use of proceeds from the sale of the plates; providing an effective date.

—as amended April 22 was read the third time by title.

On motion by Senator Hays, **CS for CS for HB 329** as amended was passed and certified to the House. The vote on passage was:

Yeas—37

Abruzzo	Bullard	Garcia
Altman	Clemens	Gibson
Bean	Dean	Grimsley
Benacquisto	Detert	Hays
Bradley	Evers	Hukill
Brandes	Flores	Hutson
Braynon	Gaetz	Joyner

Latvala	Richter	Sobel
Lee	Ring	Soto
Legg	Sachs	Stargel
Margolis	Simmons	Thompson
Montford	Simpson	
Negron	Smith	

Nays—None

Vote after roll call:

Yea—Mr. President, Diaz de la Portilla, Galvano

CS for CS for SB 596—A bill to be entitled An act relating to craft distilleries; amending s. 565.03, F.S.; defining the term “branded product”; revising the current limitation on the number of containers that may be sold to consumers by craft distilleries; applying such limitation to individual containers for each branded product; prohibiting a craft distillery from shipping or arranging to ship any of its distilled spirits to consumers; providing an exception; requiring the Department of Transportation to install directional signs at specified locations in accordance with Florida’s Highway Guide Sign Program upon the request of a craft distillery licensed in this state; requiring the craft distillery licensed in this state to pay specified costs; providing an effective date.

—as amended April 22 was read the third time by title.

On motion by Senator Hays, **CS for CS for SB 596** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

Abruzzo	Flores	Margolis
Altman	Gaetz	Montford
Bean	Galvano	Negron
Benacquisto	Garcia	Richter
Bradley	Gibson	Ring
Brandes	Grimsley	Sachs
Braynon	Hays	Simmons
Bullard	Hukill	Simpson
Clemens	Hutson	Smith
Dean	Joyner	Sobel
Detert	Latvala	Soto
Diaz de la Portilla	Lee	Stargel
Evers	Legg	Thompson

Nays—None

Vote after roll call:

Yea—Mr. President

Yea to Nay—Stargel

CS for CS for SB 538—A bill to be entitled An act relating to the disclosure of sexually explicit images; creating s. 847.0136, F.S.; providing definitions; prohibiting an individual from electronically disclosing a sexually explicit image of an identifiable person with the intent to harass such person if the individual knows or should have known that such person did not consent to the disclosure; providing criminal penalties; providing for jurisdiction; providing exceptions; providing civil remedies; exempting providers of specified services; amending s. 921.244, F.S.; requiring a court to order that a person convicted of such offense be prohibited from having contact with the victim; providing criminal penalties for a violation of such order; providing that criminal penalties for certain offenses run consecutively with a sentence imposed for a violation of s. 847.0136, F.S.; reenacting s. 784.048(7), F.S., to incorporate the amendment made to s. 921.244, F.S., in a reference thereto; providing an effective date.

—was read the third time by title.

On motion by Senator Simmons, **CS for CS for SB 538** was passed and certified to the House. The vote on passage was:

Yeas—39

Abruzzo	Flores	Margolis
Altman	Gaetz	Montford
Bean	Galvano	Negron
Benacquisto	Garcia	Richter
Bradley	Gibson	Ring
Brandes	Grimsley	Sachs
Braynon	Hays	Simmons
Bullard	Hukill	Simpson
Clemens	Hutson	Smith
Dean	Joyner	Sobel
Detert	Latvala	Soto
Diaz de la Portilla	Lee	Stargel
Evers	Legg	Thompson

Nays—None

Vote after roll call:

Yea—Mr. President

CS for CS for SB 872—A bill to be entitled An act relating to estates; amending s. 733.106, F.S.; authorizing the court, if costs and attorney fees are to be paid from the estate under specified sections of law, to direct payment from a certain part of the estate or, under specified circumstances, to direct payment from a trust; authorizing costs and fees to be assessed against one or more persons’ part of the trust in such proportions as the court finds just and proper; specifying factors that the court may consider in directing the assessment of such costs and fees; authorizing a court to assess costs and fees without finding that the person engaged in specified wrongful acts; amending s. 733.212, F.S.; revising the required content for a notice of administration; revising provisions that require an interested person, who has been served a notice of administration, to file specified objections in an estate matter within 3 months after service of such notice; providing that the 3-month period may only be extended for certain estoppel; providing that objections that are not barred by the 3-month period must be filed no later than a specified date; deleting references to objections based upon the qualifications of a personal representative; amending s. 733.2123, F.S.; conforming provisions to changes made by the act; amending s. 733.3101, F.S.; requiring a personal representative to resign immediately if he or she knows that he or she was not qualified to act at the time of appointment; requiring a personal representative who was qualified to act at such appointment to file a notice if no longer qualified; authorizing an interested person within a specified period to request the removal of a personal representative who files such notice; providing that a personal representative is liable for costs and attorney fees incurred in a removal proceeding if he or she is removed and should have known of the facts supporting the removal; defining the term “qualified”; amending s. 733.504, F.S.; requiring a personal representative to be removed and the letters of administration revoked if he or she was not qualified to act at the time of appointment; amending s. 733.817, F.S.; defining and redefining terms; deleting a provision that exempts an interest in protected homestead from the apportionment of taxes; providing for the payment of taxes on protected homestead family allowance and exempt property by certain other property to the extent such other property is sufficient; revising the allocation of taxes; revising the apportionment of the net tax attributable to specified interests; authorizing a court to assess liability in an equitable manner under certain circumstances; providing that a governing instrument may not direct that taxes be paid from property other than property passing under the governing instrument, except under specified conditions; requiring that direction in a governing instrument be express to apportion taxes under certain circumstances; requiring that the right of recovery provided in the Internal Revenue Code for certain taxes be expressly waived in the decedent’s will or revocable trust with certain specificity; specifying the property upon which certain tax is imposed for allocation and apportionment of certain tax; providing that a general statement in the decedent’s will or revocable trust waiving all rights of reimbursement or recovery under the Internal Revenue Code is not an express waiver of certain rights of recovery; requiring direction to specifically reference the generation-skipping transfer tax imposed by the Internal Revenue Code to direct its apportionment; authorizing, under certain circumstances, the decedent to direct by will the amount of net tax attributable to

property over which the decedent held a general power of appointment under certain circumstances; providing that an express direction in a revocable trust is deemed to be a direction contained in the decedent's will as well as the revocable trust under certain circumstances; providing that an express direction in the decedent's will to pay tax from the decedent's revocable trust by specific reference to the revocable trust is effective unless a contrary express direction is contained in the revocable trust; revising the resolution of conflicting directions in governing instruments with regard to payment of taxes; providing that the later express direction in the will or other governing instrument controls; providing that the date of an amendment to a will or other governing instrument is the date of the will or trust for conflict resolution only if the codicil or amendment contains an express tax apportionment provision or an express modification of the tax apportionment provision; providing that a will is deemed executed after another governing instrument if the decedent's will and another governing instrument were executed on the same date; providing that an earlier conflicting governing instrument controls as to any tax remaining unpaid after the application of the later conflicting governing instrument; providing that a grant of permission or authority in a governing instrument to request payment of tax from property passing under another governing instrument is not a direction apportioning the tax to the property passing under the other governing instrument; providing a grant of permission or authority in a governing instrument to pay tax attributable to property not passing under the governing instrument is not a direction apportioning the tax to property passing under the governing instrument; providing application; prohibiting the requiring of a personal representative or fiduciary to transfer to a recipient property that may be used for payment of taxes; amending s. 736.1005, F.S.; authorizing the court, if attorney fees are to be paid from the trust under specified sections of law, to direct payment from a certain part of the trust; providing that fees may be assessed against one or more persons' part of the trust in such proportions as the court finds just and proper; specifying factors that the court may consider in directing the assessment of such fees; providing that a court may assess fees without finding that a person engaged specified wrongful acts; amending s. 736.1006, F.S.; authorizing the court, if costs are to be paid from the trust under specified sections of law, to direct payment from a certain part of the trust; providing that costs may be assessed against one or more persons' part of the trust in such proportions as the court finds just and proper; specifying factors that the court may consider in directing the assessment of such costs; providing that specified provisions of the act are remedial and intended to clarify existing law; providing for retroactive and prospective application of specified portions of the act; providing an effective date.

—as amended April 22 was read the third time by title.

On motion by Senator Hukill, **CS for CS for SB 872** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

Abruzzo	Flores	Margolis
Altman	Gaetz	Montford
Bean	Galvano	Negron
Benacquisto	Garcia	Richter
Bradley	Gibson	Ring
Brandes	Grimsley	Sachs
Braynon	Hays	Simmons
Bullard	Hukill	Simpson
Clemens	Hutson	Smith
Dean	Joyner	Sobel
Detert	Latvala	Soto
Diaz de la Portilla	Lee	Stargel
Evers	Legg	Thompson

Nays—None

Vote after roll call:

Yea—Mr. President

CS for CS for SB 766—A bill to be entitled An act relating to surveillance by a drone; amending s. 934.50, F.S.; defining terms; prohibiting a person, a state agency, or a political subdivision from using a

drone to capture an image of privately owned real property or of the owner, tenant, occupant, invitee, or licensee of such property with the intent to conduct surveillance without his or her written consent if a reasonable expectation of privacy exists; specifying when a reasonable expectation of privacy may be presumed; authorizing the use of a drone by a person or entity engaged in a business or profession licensed by the state in certain circumstances; authorizing the use of a drone by an employee or contractor of a property appraiser for the purpose of assessing property for ad valorem taxation; authorizing the use of a drone by or on behalf of certain utilities for specified purposes; authorizing the use of a drone for aerial mapping under certain circumstances; authorizing the use of a drone for delivering cargo under certain circumstances; authorizing the use of a drone to capture certain images under certain circumstances; providing that an owner, tenant, occupant, invitee, or licensee may initiate a civil action for compensatory damages and may seek injunctive relief against a person, a state agency, or a political subdivision that violates the act; providing for construction; providing for the recovery of attorney fees and punitive damages; specifying that remedies provided by the act are cumulative to other remedies; providing an effective date.

—as amended April 22 was read the third time by title.

THE PRESIDENT PRESIDING

On motion by Senator Hukill, **CS for CS for SB 766** as amended was passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Flores	Margolis
Abruzzo	Gaetz	Montford
Altman	Galvano	Negron
Bean	Garcia	Ring
Benacquisto	Gibson	Sachs
Brandes	Grimsley	Simpson
Braynon	Hays	Smith
Bullard	Hukill	Sobel
Clemens	Hutson	Soto
Dean	Joyner	Stargel
Detert	Latvala	Thompson
Diaz de la Portilla	Lee	
Evers	Legg	

Nays—2

Bradley	Richter
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Vote after roll call:

Yea—Simmons

CS for SB 836—A bill to be entitled An act relating to the Florida Insurance Guaranty Association; amending s. 631.54, F.S.; defining the term "assessment year"; amending s. 631.57, F.S.; revising provisions relating to the levy of assessments on insurers by the Florida Insurance Guaranty Association; specifying conditions under which such assessments are paid; revising procedures and timeframes for the levying of the assessments; revising provisions relating to assessments that are premium and not subject to the premium tax; limiting an insurer's liability for uncollectible emergency assessments; deleting the requirement to file a final accounting report documenting the recoupment; revising an exemption for assessments; amending s. 631.64, F.S.; requiring charges or recoupments to be displayed separately on premium statements to policyholders and prohibiting their inclusion in rates; amending ss. 627.727 and 631.55, F.S.; conforming cross-references; providing an effective date.

—was read the third time by title.

On motion by Senator Latvala, **CS for SB 836** was passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Flores	Montford
Abruzzo	Gaetz	Negron
Altman	Galvano	Richter
Bean	Garcia	Ring
Benacquisto	Gibson	Sachs
Bradley	Grimsley	Simmons
Brandes	Hays	Simpson
Braynon	Hukill	Smith
Bullard	Hutson	Sobel
Clemens	Joyner	Soto
Dean	Latvala	Stargel
Detert	Lee	Thompson
Diaz de la Portilla	Legg	
Evers	Margolis	

Nays—None

CS for CS for HB 209—A bill to be entitled An act relating to the emergency fire rescue services and facilities surtax; amending s. 212.055, F.S.; revising the distribution of surtax proceeds; deleting a provision requiring the county governing authority to develop and execute interlocal agreements with local government entities providing emergency fire and rescue services; requiring a local government entity requesting and receiving certain personnel or equipment from another service provider to pay for such personnel or equipment from its share of surtax proceeds; providing for application of funds if a local government entity receiving a share of the surtax is unable to further reduce ad valorem taxes; deleting a provision requiring local government entities to enter into an interlocal agreement in order to receive surtax proceeds; providing an effective date.

—as amended April 22 was read the third time by title.

On motion by Senator Latvala, **CS for CS for HB 209** as amended was passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Flores	Montford
Abruzzo	Gaetz	Negron
Altman	Galvano	Richter
Bean	Garcia	Ring
Benacquisto	Gibson	Sachs
Bradley	Grimsley	Simmons
Brandes	Hays	Simpson
Braynon	Hukill	Smith
Bullard	Hutson	Sobel
Clemens	Joyner	Soto
Dean	Latvala	Stargel
Detert	Lee	Thompson
Diaz de la Portilla	Legg	
Evers	Margolis	

Nays—None

CS for SB 954—A bill to be entitled An act relating to involuntary examinations of minors; amending s. 381.0056, F.S.; revising the definition of the term “emergency health needs”; requiring school health services plans to include notification requirements when a student is removed from school, school transportation, or a school-sponsored activity for involuntary examination; amending s. 394.4599, F.S.; including health care surrogates and proxies as individuals who may act on behalf of an individual involuntarily admitted to a facility; requiring a receiving facility to immediately notify the parent, guardian, caregiver, or guardian advocate of the whereabouts of a minor who is being held for involuntary examination; providing circumstances when notification may be delayed; requiring the receiving facility to make continuous notification attempts; authorizing the receiving facility to seek assistance from law enforcement under certain circumstances; requiring the receiving facility to document notification attempts in the minor’s clinical

record; amending ss. 1002.20 and 1002.33, F.S.; requiring public school or charter school principals or their designees to provide notice of the whereabouts of a student removed from school, school transportation, or a school-sponsored activity for involuntary examination; providing conditions for delay in notification; requiring district school boards and charter school governing boards to develop notification policies and procedures; providing an effective date.

—as amended April 22 was read the third time by title.

On motion by Senator Garcia, **CS for SB 954** as amended was passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Flores	Montford
Abruzzo	Gaetz	Negron
Altman	Galvano	Richter
Bean	Garcia	Ring
Benacquisto	Gibson	Sachs
Bradley	Grimsley	Simmons
Brandes	Hays	Simpson
Braynon	Hukill	Smith
Bullard	Hutson	Sobel
Clemens	Joyner	Soto
Dean	Latvala	Stargel
Detert	Lee	Thompson
Diaz de la Portilla	Legg	
Evers	Margolis	

Nays—None

CS for SB 682—A bill to be entitled An act relating to transitional living facilities; creating part XI of ch. 400, F.S.; creating s. 400.997, F.S.; providing legislative intent; creating s. 400.9971, F.S.; providing definitions; creating s. 400.9972, F.S.; requiring the licensure of transitional living facilities; providing license fees and application requirements; requiring accreditation of licensed facilities; creating s. 400.9973, F.S.; providing requirements for transitional living facility policies and procedures governing client admission, transfer, and discharge; creating s. 400.9974, F.S.; requiring a comprehensive treatment plan to be developed for each client; providing plan and staffing requirements; requiring certain consent for continued treatment in a transitional living facility; creating s. 400.9975, F.S.; providing licensee responsibilities with respect to each client and specified others and requiring written notice of such responsibilities to be provided; prohibiting a licensee or employee of a facility from serving notice upon a client to leave the premises or taking other retaliatory action under certain circumstances; requiring the client and client’s representative to be provided with certain information; requiring the licensee to develop and implement certain policies and procedures governing the release of client information; creating s. 400.9976, F.S.; providing licensee requirements relating to administration of medication; requiring maintenance of medication administration records; providing requirements for the self-administration of medication by clients; creating s. 400.9977, F.S.; providing training and supervision requirements for the administration of medications by unlicensed staff; specifying who may conduct the training; requiring licensees to adopt certain policies and procedures and maintain specified records with respect to the administration of medications by unlicensed staff; requiring the Agency for Health Care Administration to adopt rules; creating s. 400.9978, F.S.; providing requirements for the screening of potential employees and training and monitoring of employees for the protection of clients; requiring licensees to implement certain policies and procedures to protect clients; providing conditions for investigating and reporting incidents of abuse, neglect, mistreatment, or exploitation of clients; creating s. 400.9979, F.S.; providing requirements and limitations for the use of physical restraints, seclusion, and chemical restraint medication on clients; providing a limitation on the duration of an emergency treatment order; requiring notification of certain persons when restraint or seclusion is imposed; authorizing the agency to adopt rules; creating s. 400.998, F.S.; providing background screening requirements for licensee personnel; requiring the licensee to maintain certain personnel records; providing administrative responsibilities for licensees; providing recordkeeping requirements; creating s. 400.9981, F.S.; providing licensee responsibilities with respect to the

property and personal affairs of clients; providing requirements for a licensee with respect to obtaining surety bonds; providing recordkeeping requirements relating to the safekeeping of personal effects; providing requirements for trust funds or other property received by a licensee and credited to the client; providing a penalty for certain misuse of a client's personal funds, property, or personal needs allowance; providing criminal penalties for violations; providing for the disposition of property in the event of the death of a client; authorizing the agency to adopt rules; creating s. 400.9982, F.S.; providing legislative intent; authorizing the agency to adopt and enforce rules establishing specified standards for transitional living facilities and personnel thereof; creating s. 400.9983, F.S.; classifying certain violations and providing penalties therefor; providing administrative fines for specified classes of violations; creating s. 400.9984, F.S.; authorizing the agency to apply certain provisions with regard to receivership proceedings; creating s. 400.9985, F.S.; requiring the agency, the Department of Health, the Agency for Persons with Disabilities, and the Department of Children and Families to develop electronic information systems for certain purposes; transferring and renumbering s. 400.805, F.S., as s. 400.9986, F.S.; repealing s. 400.9986, F.S., relating to transitional living facilities, on a specified date; revising the title of part V of ch. 400, F.S.; amending s. 381.745, F.S.; revising the definition of the term "transitional living facility," to conform to changes made by the act; amending s. 381.75, F.S.; revising the duties of the Department of Health and the agency relating to transitional living facilities; amending ss. 381.78, 400.93, 408.802, and 408.820, F.S.; conforming provisions to changes made by the act; reenacting s. 381.79(1), F.S., relating to the Brain and Spinal Cord Injury Program Trust Fund, to incorporate the amendment made by the act to s. 381.75, F.S., in a reference thereto; providing for the act's applicability to licensed transitional living facilities licensed on specified dates; providing effective dates.

—was read the third time by title.

On motion by Senator Grimsley, **CS for SB 682** was passed and certified to the House. The vote on passage was:

Yeas—40

Table with 3 columns: Mr. President, Flores, Montford, Abruzzo, Gaetz, Negron, Altman, Galvano, Richter, Bean, Garcia, Ring, Benacquisto, Gibson, Sachs, Bradley, Grimsley, Simmons, Brandes, Hays, Simpson, Braynon, Hukill, Smith, Bullard, Hutson, Sobel, Clemens, Joyner, Soto, Dean, Latvala, Stargel, Detert, Lee, Thompson, Diaz de la Portilla, Legg, Evers, Margolis

Nays—None

HB 755—A bill to be entitled An act relating to convenience business security; amending s. 812.171, F.S.; revising the definition of the term "convenience business" to delete an exception for certain businesses in which the owner or family members work between specified hours; amending s. 812.173, F.S.; exempting certain businesses in which the owner or family members work between specified hours from specified requirements; amending s. 812.174, F.S.; deleting obsolete provisions; deleting administrative fees required to be submitted to the Attorney General with proposed and biennial robbery deterrence and safety training curriculum for convenience store employees; deleting a requirement for the Attorney General to biennially reapprove such curriculum; providing an effective date.

—was read the third time by title.

On motion by Senator Grimsley, **HB 755** was passed and certified to the House. The vote on passage was:

Yeas—40

Table with 3 columns: Mr. President, Flores, Montford, Abruzzo, Gaetz, Negron, Altman, Galvano, Richter, Bean, Garcia, Ring, Benacquisto, Gibson, Sachs, Bradley, Grimsley, Simmons, Brandes, Hays, Simpson, Braynon, Hukill, Smith, Bullard, Hutson, Sobel, Clemens, Joyner, Soto, Dean, Latvala, Stargel, Detert, Lee, Thompson, Diaz de la Portilla, Legg, Evers, Margolis

Nays—None

CS for HB 243—A bill to be entitled An act relating to vital statistics; amending s. 382.002, F.S.; providing and revising definitions; amending s. 382.003, F.S.; requiring the Department of Health to produce and maintain paper death certificates and fetal death certificates and issue burial-transit permits; amending s. 382.006, F.S.; providing responsibility of a funeral director for provision of electronic burial-transit permits or manually produced permits; providing responsibility of the subregistrar for manually filed paper death records; authorizing the department to adopt rules; amending s. 382.007, F.S.; revising provisions relating to records of final dispositions of dead bodies; requiring maintenance of records for a specified period; amending s. 382.008, F.S.; requiring electronic filing of death and fetal death certificates with the department or local registrar; authorizing certain legally authorized persons to provide personal data about the deceased; authorizing the department, rather than the local registrar, to grant an extension of time for providing certain information regarding a fetal death; amending s. 382.0085, F.S.; conforming a cross-reference; amending s. 382.011, F.S.; requiring a funeral director to file a death or fetal death certificate with the department, rather than with the local registrar; amending s. 382.0135, F.S.; requiring the department to electronically notify the United States Social Security Administration of deaths in the state; providing an effective date.

—was read the third time by title.

On motion by Senator Detert, **CS for HB 243** was passed and certified to the House. The vote on passage was:

Yeas—40

Table with 3 columns: Mr. President, Flores, Montford, Abruzzo, Gaetz, Negron, Altman, Galvano, Richter, Bean, Garcia, Ring, Benacquisto, Gibson, Sachs, Bradley, Grimsley, Simmons, Brandes, Hays, Simpson, Braynon, Hukill, Smith, Bullard, Hutson, Sobel, Clemens, Joyner, Soto, Dean, Latvala, Stargel, Detert, Lee, Thompson, Diaz de la Portilla, Legg, Evers, Margolis

Nays—None

CS for CS for HB 217—A bill to be entitled An act relating to engineers; amending s. 471.003, F.S.; prohibiting a person who is not licensed as an engineer or a structural engineer from using specified names and titles or practicing engineering or structural engineering; exempting certain persons from the licensing requirements; amending s.

471.005, F.S.; providing definitions; amending s. 471.011, F.S.; establishing various fees for the examination and licensure of structural engineers; amending s. 471.013, F.S.; revising provisions authorizing the Board of Professional Engineers to refuse to certify an applicant due to lack of good moral character to include structural engineer licensure applicants, to conform; amending s. 471.015, F.S.; providing licensure and application requirements for a structural engineer license; exempting under certain conditions a structural engineer who applies for licensure before a specified date from passage of a certain national examination; requiring the board to certify certain applicants for licensure by endorsement; amending ss. 471.019 and 471.025, F.S.; revising continuing education requirements for reactivation of a license and provisions requiring an engineer with a revoked or suspended license to surrender his or her seal, respectively, to include structural engineers, to conform; amending s. 471.031, F.S.; prohibiting specified persons from using specified names and titles; amending s. 471.033, F.S.; providing various acts which constitute grounds for disciplinary action against a structural engineer, to which penalties apply; amending s. 471.037, F.S.; revising applicability, to conform to changes made by the act; providing an effective date.

—as amended April 22 was read the third time by title.

On motion by Senator Altman, **CS for CS for HB 217** as amended was passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Gaetz	Montford
Abruzzo	Galvano	Negron
Altman	Garcia	Richter
Bean	Gibson	Ring
Benacquisto	Grimsley	Sachs
Braynon	Hays	Simmons
Bullard	Hukill	Simpson
Clemens	Hutson	Smith
Dean	Joyner	Sobel
Detert	Latvala	Soto
Diaz de la Portilla	Lee	Stargel
Evers	Legg	Thompson
Flores	Margolis	

Nays—2

Bradley	Brandes
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HB 213—A bill to be entitled An act relating to property appraisers; amending s. 195.087, F.S.; specifying that a property appraiser's operating budget is final and shall be funded by the county commission once the Department of Revenue makes its final budget amendments; specifying that the county commission remains obligated to fund the department's final property appraiser's operating budget during the pendency of an appeal to the Administration Commission; providing an effective date.

—was read the third time by title.

On motion by Senator Ring, **HB 213** was passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Detert	Hutson
Abruzzo	Diaz de la Portilla	Joyner
Altman	Evers	Latvala
Bean	Flores	Lee
Benacquisto	Gaetz	Legg
Bradley	Galvano	Margolis
Brandes	Garcia	Montford
Braynon	Gibson	Negron
Bullard	Grimsley	Richter
Clemens	Hays	Ring
Dean	Hukill	Sachs

Simmons	Sobel	Thompson
Simpson	Soto	
Smith	Stargel	

Nays—None

CS for CS for CS for HB 185—A bill to be entitled An act relating to public records; amending s. 119.071, F.S.; defining the terms “identification and location information” and “servicemember”; providing an exemption from public records requirements for identification and location information of servicemembers and the spouses and dependents of servicemembers; providing applicability; providing for future legislative review and repeal of the exemption; providing a statement of public necessity; providing an effective date.

—was read the third time by title.

On motion by Senator Evers, **CS for CS for CS for HB 185** was passed by the required constitutional two-thirds vote of the members present and voting and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Flores	Montford
Abruzzo	Gaetz	Negron
Altman	Galvano	Richter
Bean	Garcia	Ring
Benacquisto	Gibson	Sachs
Bradley	Grimsley	Simmons
Brandes	Hays	Simpson
Braynon	Hukill	Smith
Bullard	Hutson	Sobel
Clemens	Joyner	Soto
Dean	Latvala	Stargel
Detert	Lee	Thompson
Diaz de la Portilla	Legg	
Evers	Margolis	

Nays—None

CS for CS for SB 278—A bill to be entitled An act relating to downtown development districts; creating s. 189.056, F.S.; providing legislative intent; authorizing municipalities larger than a certain population and located in certain counties to levy an ad valorem tax on real and personal property in downtown development districts; specifying the purpose of such ad valorem tax; limiting the downtown development district's ad valorem millage rate; providing an effective date.

—was read the third time by title.

On motion by Senator Diaz de la Portilla, **CS for CS for SB 278** was passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Flores	Montford
Abruzzo	Gaetz	Negron
Altman	Galvano	Richter
Bean	Garcia	Ring
Benacquisto	Gibson	Sachs
Bradley	Grimsley	Simmons
Braynon	Hays	Simpson
Bullard	Hukill	Smith
Clemens	Hutson	Sobel
Dean	Joyner	Soto
Detert	Latvala	Stargel
Diaz de la Portilla	Lee	Thompson
Evers	Legg	

Nays—2

Brandes	Margolis
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CS for SB 746—A bill to be entitled An act relating to diabetes awareness training for law enforcement officers; providing a short title; creating s. 943.1726, F.S.; requiring the Department of Law Enforcement to establish an online continued employment training component relating to diabetic emergencies; specifying topics to be included in the instruction; providing that completion of the training may count towards continued employment instruction requirements; providing an effective date.

—was read the third time by title.

Pending further consideration of **CS for SB 746**, pursuant to Rule 3.11(3), there being no objection, **CS for HB 201** was withdrawn from the Committees on Criminal Justice; Appropriations Subcommittee on Criminal and Civil Justice; and Fiscal Policy.

On motion by Senator Lee, by two-thirds vote—

CS for HB 201—A bill to be entitled An act relating to diabetes awareness training for law enforcement officers; providing a short title; creating s. 943.1726, F.S.; requiring the Department of Law Enforcement to establish an online continued employment training component relating to diabetic emergencies; specifying instruction to be included in the training component; providing that completion of the training may count toward continued employment instruction requirements; providing an effective date.

—a companion measure, was substituted for **CS for SB 746** and read the second time by title.

On motion by Senator Lee, by two-thirds vote **CS for HB 201** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Flores	Montford
Abruzzo	Gaetz	Negron
Altman	Galvano	Richter
Bean	Garcia	Ring
Benacquisto	Gibson	Sachs
Bradley	Grimsley	Simmons
Brandes	Hays	Simpson
Braynon	Hukill	Smith
Bullard	Hutson	Sobel
Clemens	Joyner	Soto
Dean	Latvala	Stargel
Detert	Lee	Thompson
Diaz de la Portilla	Legg	
Evers	Margolis	

Nays—None

CS for HB 309—A bill to be entitled An act relating to patient admission status notification; amending s. 395.301, F.S.; providing requirements for licensed medical facilities for patient notification regarding admission status; providing an effective date.

—was read the third time by title.

On motion by Senator Gaetz, **CS for HB 309** was passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Dean	Hays
Abruzzo	Detert	Hukill
Altman	Diaz de la Portilla	Hutson
Bean	Evers	Joyner
Benacquisto	Flores	Latvala
Bradley	Gaetz	Lee
Brandes	Galvano	Legg
Braynon	Garcia	Margolis
Bullard	Gibson	Montford
Clemens	Grimsley	Negron

Richter	Simpson	Stargel
Ring	Smith	Thompson
Sachs	Sobel	
Simmons	Soto	

Nays—None

SB 996—A bill to be entitled An act relating to home medical equipment; amending s. 400.93, F.S.; exempting allopathic, osteopathic, and chiropractic physicians who sell or rent electrostimulation medical equipment and supplies to their patients in the course of their practice from licensure as home medical equipment providers; providing an effective date.

—was read the third time by title.

Pending further consideration of **SB 996**, pursuant to Rule 3.11(3), there being no objection, **HB 1305** was withdrawn from the Committees on Health Policy; Appropriations Subcommittee on Health and Human Services; and Fiscal Policy.

On motion by Senator Richter, by two-thirds vote—

HB 1305—A bill to be entitled An act relating to home medical equipment providers; amending s. 400.93, F.S.; exempting allopathic, osteopathic, and chiropractic physicians who sell or rent electrostimulation medical equipment from licensure requirements under certain circumstances; providing an effective date.

—a companion measure, was substituted for **SB 996** and read the second time by title.

On motion by Senator Richter, by two-thirds vote **HB 1305** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Flores	Montford
Abruzzo	Gaetz	Negron
Altman	Galvano	Richter
Bean	Garcia	Ring
Benacquisto	Gibson	Sachs
Bradley	Grimsley	Simmons
Brandes	Hays	Simpson
Braynon	Hukill	Smith
Bullard	Hutson	Sobel
Clemens	Joyner	Soto
Dean	Latvala	Stargel
Detert	Lee	Thompson
Diaz de la Portilla	Legg	
Evers	Margolis	

Nays—None

CS for SB 1098—A bill to be entitled An act relating to controlled substances; amending s. 893.03, F.S.; adding certain substances to the Schedule I list of controlled substances; reenacting ss. 39.01(30)(a) and (g), 316.193(5), 322.2616(2)(c), 327.35(5), 440.102(11)(b), 458.3265(1)(e), 459.0137(1)(e), 782.04(1)(a) and (4), 893.0356(2)(a) and (5), 893.05(1), 893.12(2)(b),(c), and (d), 893.13(1)(a), (c), (d), (e), (f), and (h), (2)(a), (4)(b), (5)(b), and (7)(a), 893.135(1)(k) and (l), and 921.0022(3)(b), (c), and (e), F.S., relating to the definitions used in ch. 39, F.S., driving under the influence, suspension of driver licenses, boating under the influence, drug-free workplace programs, pain-management clinics, murder, controlled substance analogs, practitioners and persons administering controlled substances in their absence, contraband seizure and forfeiture, controlled substance offenses, offenses involving trafficking in controlled substances, and the offense severity ranking chart of the Criminal Punishment Code, respectively, to incorporate the amendment made to s. 893.03, F.S., in references thereto; providing an effective date.

—was read the third time by title.

Pending further consideration of **CS for SB 1098**, pursuant to Rule 3.11(3), there being no objection, **CS for HB 897** was withdrawn from the Committees on Criminal Justice; Appropriations Subcommittee on Criminal and Civil Justice; and Fiscal Policy.

On motion by Senator Bradley, by two-thirds vote—

CS for HB 897—A bill to be entitled An act relating to controlled substances; amending s. 893.03, F.S.; adding certain substances to the Schedule I list of controlled substances; reenacting s. 39.01(30)(a) and (g), F.S., relating to definitions used in chapter 39, F.S., s. 316.193(5), F.S., relating to driving under the influence, s. 322.2616(2)(c), F.S., relating to suspension of driver licenses, s. 327.35(5), F.S., relating to boating under the influence, s. 440.102(11)(b), F.S., relating to drug-free workplace programs, ss. 458.3265(1)(e) and 459.0137(1)(e), F.S., relating to pain-management clinics, s. 782.04(1)(a) and (4), F.S., relating to murder, s. 893.0356(2)(a) and (5), F.S., relating to controlled substance analogs, s. 893.05(1), F.S., relating to practitioners and persons administering controlled substances in their absence, s. 893.12(2)(b), (c), and (d), F.S., relating to contraband seizure and forfeiture, s. 893.13(1)(a), (c), (d), (e), (f), (h), (2)(a), (4)(b), (5)(b), and (7)(a), F.S., relating to controlled substance offenses, s. 893.135(1)(k) and (l), F.S., relating to offenses involving trafficking in controlled substances, and s.921.0022(3)(b), (c), and (e), F.S., relating to the offense severity ranking chart of the Criminal Punishment Code, F.S., to incorporate the amendment made by the act to s. 893.03, F.S., in references thereto; providing an effective date.

—a companion measure, was substituted for **CS for SB 1098** and read the second time by title.

On motion by Senator Bradley, by two-thirds vote **CS for HB 897** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Flores	Montford
Abruzzo	Gaetz	Negron
Altman	Galvano	Richter
Bean	Garcia	Ring
Benacquisto	Gibson	Sachs
Bradley	Grimsley	Simmons
Brandes	Hays	Simpson
Braynon	Hukill	Smith
Bullard	Hutson	Sobel
Clemens	Joyner	Soto
Dean	Latvala	Stargel
Detert	Lee	Thompson
Diaz de la Portilla	Legg	
Evers	Margolis	

Nays—None

Consideration of **CS for CS for SB 382** was deferred.

CS for SB 1388—A bill to be entitled An act relating to special districts; amending s. 11.40, F.S.; conforming cross-references; amending s. 189.011, F.S.; revising legislative intent with respect to the Uniform Special District Accountability Act to include independent and dependent special districts; amending s. 189.016, F.S., deleting a provision requiring a special district to transmit certain budgets to the local government instead of posting such information on the special district's website under specific circumstances; specifying the period in which certain budget information must be posted on the special district's website; amending s. 189.02, F.S.; specifying the Legislature's authority to create dependent special districts by special act; creating s. 189.022, F.S.; requiring a newly created dependent special district, and authorizing an existing dependent special district, to identify the district as dependent in its charter; amending s. 189.031, F.S.; requiring a newly created independent special district, and authorizing an existing independent special district, to identify the district as independent in its charter; transferring, renumbering, and amending ss. 189.034 and 189.035, F.S., deleting provisions requiring that special districts created by special act provide specified information to the Legislative Auditing

Committee or requiring that special districts created by local ordinance provide specified information to the local general-purpose government, to conform; deleting related provisions requiring the Legislative Auditing Committee to provide certain notice to the Legislature or local general-purpose government, as appropriate, when a special district fails to file certain required reports or requested information, to conform; amending s. 189.061, F.S.; conforming provisions; amending s. 189.062, F.S.; making technical changes; amending s. 189.064, F.S.; revising the required content of the special district handbook; creating s. 189.0653, F.S.; requiring special districts created by special act or local ordinance to provide specified information to the Legislative Auditing Committee or local general-purpose government, as appropriate; amending s. 189.067, F.S.; conforming cross-references; amending s. 189.068, F.S.; specifying that local general-purpose governments may review certain special districts; conforming cross-references; amending s. 189.069, F.S.; deleting a cross-reference, to conform; revising the list of items required to be included on the websites of special districts; reenacting ss. 165.0615(16) and 189.074(2)(e) and (3)(g), F.S., relating to municipal conversion of independent special districts upon elector-initiated and approved referendum and the voluntary merger of independent special districts, respectively, to incorporate the amendment made by the act to s. 189.016, F.S., in references thereto; providing an effective date.

—as amended April 22 was read the third time by title.

On motion by Senator Stargel, **CS for SB 1388** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Evers	Legg
Abruzzo	Flores	Margolis
Altman	Gaetz	Montford
Bean	Galvano	Negron
Benacquisto	Garcia	Richter
Bradley	Gibson	Ring
Brandes	Grimsley	Sachs
Braynon	Hays	Simmons
Bullard	Hukill	Smith
Clemens	Hutson	Sobel
Dean	Joyner	Soto
Detert	Latvala	Stargel
Diaz de la Portilla	Lee	Thompson

Nays—None

Vote after roll call:

Yea—Simpson

CS for SB 636—A bill to be entitled An act relating to public accountancy; amending s. 473.302, F.S.; revising the definition of the term “licensed audit firm”; amending s. 473.309, F.S.; revising practice requirements for partnerships, corporations, and limited liability companies; amending s. 473.3101, F.S.; revising provisions relating to the licensure of firms and public accounting firms; amending s. 473.316, F.S.; revising the definition of the term “quality review” to include a peer review; amending ss. 473.3125 and 473.322, F.S.; conforming provisions to changes made by the act; providing an effective date.

—was read the third time by title.

Pending further consideration of **CS for SB 636**, pursuant to Rule 3.11(3), there being no objection, **CS for CS for HB 373** was withdrawn from the Committees on Regulated Industries; and Fiscal Policy.

On motion by Senator Latvala, by two-thirds vote—

CS for CS for HB 373—A bill to be entitled An act relating to public accountancy; amending s. 473.302, F.S.; revising the definition of the term “licensed audit firm”; amending s. 473.309, F.S.; revising practice requirements for partnerships, corporations, and limited liability companies; amending s. 473.3101, F.S.; revising provisions relating to the licensure of firms and public accounting firms; amending s. 473.316, F.S.; revising the definition of the term “quality review” to include a peer

review; amending ss. 473.3125 and 473.322, F.S.; conforming provisions to changes made by the act; providing an effective date.

—a companion measure, was substituted for **CS for SB 636** and read the second time by title.

On motion by Senator Latvala, by two-thirds vote **CS for CS for HB 373** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Flores	Montford
Abruzzo	Gaetz	Negron
Altman	Galvano	Richter
Bean	Garcia	Ring
Benacquisto	Gibson	Sachs
Bradley	Grimsley	Simmons
Brandes	Hays	Simpson
Braynon	Hukill	Smith
Bullard	Hutson	Sobel
Clemens	Joyner	Soto
Dean	Latvala	Stargel
Detert	Lee	Thompson
Diaz de la Portilla	Legg	
Evers	Margolis	

Nays—None

CS for CS for CS for SB 736—A bill to be entitled An act relating to residential properties; amending ss. 718.116, 719.108, and 720.30851, F.S.; revising requirements relating to the issuance of an estoppel certificate to specified persons; requiring that an estoppel certificate contain certain information; providing an effective period for a certificate based upon the date of issuance and form of delivery; providing that the association waives a specified claim against a person or such person’s successors or assigns who rely on the certificate in good faith; authorizing a summary proceeding to be brought to compel an association to prepare or deliver an estoppel certificate; specifying the maximum amounts an association may charge for an estoppel certificate; providing that the authority to charge a fee for the estoppel certificate must be established by a specified written resolution or provided by a written management, bookkeeping, or maintenance contract; deleting obsolete provisions; conforming provisions to changes made by the act; providing an effective date.

—as amended April 22 was read the third time by title.

Senator Abruzzo moved the following amendment which failed to receive the required two-thirds vote:

Amendment 1 (729882) (with title amendment)—Delete lines 98-284 and insert:

2. *If the estoppel certificate is requested in conjunction with the sale or refinancing of a unit, and if the fee has not been paid in advance, the fee for the certificate shall be paid to the association from the closing or settlement proceeds. The fee for the certificate is the obligation of the unit owner, and the association may collect the fee in the same manner as an assessment against the unit. An association may not require the payment of any other fees as a condition for the preparation or delivery of an estoppel certificate. The association may not condition the delivery of an estoppel certificate on the payment of the estoppel fee before closing.*

~~(f)(d) The authority to charge a fee for the estoppel certificate must shall be established by a written resolution adopted by the board or provided by a written management, bookkeeping, or maintenance contract and is payable upon the preparation of the certificate. If the certificate is requested in conjunction with the sale or mortgage of a unit but the closing does not occur and no later than 30 days after the closing date for which the certificate was sought the preparer receives a written request, accompanied by reasonable documentation, that the sale did not occur from a payor that is not the unit owner, the fee shall be refunded to that payor within 30 days after receipt of the request. The refund is the obligation of the unit owner, and the association may collect it from that owner in the same manner as an assessment as provided in this section.~~

Section 2. Subsection (6) of section 719.108, Florida Statutes, is amended to read:

719.108 Rents and assessments; liability; lien and priority; interest; collection; cooperative ownership.—

(6) *An association shall issue an estoppel certificate to a unit owner or the unit owner’s designee or a unit mortgagee or the unit mortgagee’s designee within 10 business ~~15~~ days after receiving a written or electronic request for the certificate. The estoppel certificate must be delivered by mail, by hand delivery, or by electronic means to the requester on the date of issuance.*

(a) *The estoppel certificate must contain all of the following:*

1. *The date of issuance.*
2. *The amount of all assessments and other moneys owed to the association by the unit owner for a specific unit on the date of issuance. This amount is limited to the amounts authorized to be recorded in the official records of the association under s. 719.104(2).*
3. *The amount of any additional assessments and other moneys that are scheduled to become due for each day after the date of issuance for the 30-day or 35-day effective period of the estoppel certificate. This amount is limited to the amounts authorized to be recorded in the official records of the association under s. 719.104(2). In calculating the amounts that are scheduled to become due, the association may assume that any delinquent amounts will remain delinquent during the effective period of the estoppel certificate.*

4. *The amount of any fee charged by the association for preparing and delivering the estoppel certificate. This fee is in addition to any other amounts on the estoppel certificate.*

5. *The signature of an officer or agent of the association.*

(b) *An estoppel certificate that is delivered on the date of issuance has a 30-day effective period. An estoppel certificate that is mailed to the requester has a 35-day effective period.*

(c) *An association waives the right to collect any moneys owed in excess of the amounts specified in the estoppel certificate from any person who in good faith relies upon the estoppel certificate and from that person’s successors and assigns.*

~~(d) A summary proceeding pursuant to s. 51.011 may be brought to compel compliance with this subsection, and in any such action the prevailing party is entitled to recover reasonable attorney fees by a unit owner or mortgagee, the association shall provide a certificate stating all assessments and other moneys owed to the association by the unit owner with respect to the cooperative parcel. Any person other than the unit owner who relies upon such certificate shall be protected thereby.~~

(e)1. *Notwithstanding any limitation on transfer fees contained in s. 719.106(1)(i), an the association or its authorized agent may charge a reasonable fee, which may not exceed its reasonable costs to prepare and deliver for the preparation of the estoppel certificate. However, the fee for the estoppel certificate may not exceed \$200 if on the date the certificate is issued, no delinquent amounts are owed to the association for the applicable unit. If an estoppel certificate is requested on an expedited basis and delivered within 3 business days after the request, the association may charge an additional fee of \$100. If delinquent amounts are owed to the association for the applicable unit, an additional fee for the estoppel certificate may not exceed \$200. The association may not charge a fee for an estoppel certificate that is issued more than 10 business days after it receives a request for the certificate. The maximum allowable fees charged in accordance with this section shall be adjusted every 3 years in an amount equal to the annual increases for that 3-year period in the Consumer Price Index for All Urban Consumers, U.S. City Average, all items.*

2. *If the estoppel certificate is requested in conjunction with the sale or refinancing of a unit, and if the fee has not been paid in advance, the fee for the certificate shall be paid to the association from the closing or settlement proceeds. The fee for the certificate is the obligation of the unit owner, and the association may collect the fee in the same manner as an assessment against the unit. An association may not require the payment of any other fees as a condition for the preparation or delivery of an*

estoppel certificate. The association may not condition the delivery of an estoppel certificate on the payment of the estoppel fee before closing.

(f) The authority to charge a fee for the estoppel certificate must be established by a written resolution adopted by the board or provided by a written management, bookkeeping, or maintenance contract.

Section 3. Section 720.30851, Florida Statutes, is amended to read:

720.30851 Estoppel certificates.—An association shall issue an estoppel certificate to a parcel owner or the parcel owner's designee or a mortgagee or the mortgagee's designee within 10 business ~~15~~ days after receiving a written or electronic request for the certificate. The estoppel certificate must be delivered by mail, by hand delivery, or by electronic means to the requester on the date of issuance.

(1) The estoppel certificate must contain all of the following:

(a) The date of issuance.

(b) The amount of all assessments and other moneys owed to the association by the parcel owner for a specific parcel as recorded on the date of issuance. This amount is limited to amounts authorized by statute to be recorded in the official records of the association under s. 720.303(4).

(c) The amount of any additional assessments and other moneys that are scheduled to become due for each day after the date of issuance for the 30-day or 35-day effective period of the estoppel certificate. This amount is limited to amounts authorized by statute to be recorded in the official records of the association under s. 720.303(4). In calculating the amounts that are scheduled to become due, the association may assume that any delinquent amounts will remain delinquent during the effective period of the estoppel certificate.

(d) The amount of any fee charged by the association for preparing and delivering the estoppel certificate. This fee is in addition to any other amounts on the certificate.

(e) The signature of an officer or agent of the association.

(2) An estoppel certificate that is delivered on the date of issuance has a 30-day effective period. An estoppel certificate that is mailed to the requester has a 35-day effective period.

(3) An association waives the right to collect any moneys owed in excess of the amounts specified in the estoppel certificate from any person who in good faith relies upon the estoppel certificate and from that person's successors and assigns ~~the date on which a request for an estoppel certificate is received from a parcel owner or mortgagee, or his or her designee, the association shall provide a certificate signed by an officer or authorized agent of the association stating all assessments and other moneys owed to the association by the parcel owner or mortgagee with respect to the parcel. An association may charge a fee for the preparation of such certificate, and the amount of such fee must be stated on the certificate.~~

~~(1) Any person other than a parcel owner who relies upon a certificate receives the benefits and protection thereof.~~

(4)(2) A summary proceeding pursuant to s. 51.011 may be brought to compel compliance with this section, and the prevailing party is entitled to recover reasonable attorney ~~attorney's~~ fees.

(5)(a) An association or its agent may charge a fee, which may not exceed its reasonable costs to prepare and deliver the estoppel certificate. However, the fee for the estoppel certificate may not exceed \$200 if on the date the certificate is issued, no delinquent amounts are owed to the association for the applicable parcel. If an estoppel certificate is requested on an expedited basis and delivered within 3 business days after the request, the association may charge an additional fee of \$100. If delinquent amounts are owed to the association for the applicable parcel, an additional fee for the certificate may not exceed \$200. The association may not charge a fee for an estoppel certificate that is issued more than 10 business days after it receives the request for the certificate. The maximum allowable fees charged in accordance with this section shall be adjusted every 3 years in an amount equal to the annual increases for that 3-year period in the Consumer Price Index for All Urban Consumers, U.S. City Average, all items.

(b) If the estoppel certificate is requested in conjunction with the sale or refinancing of a parcel, and if the fee has not been paid in advance, the fee for the certificate shall be paid to the association from the closing or settlement proceeds. The fee for the certificate is the obligation of the parcel owner, and the association may collect the fee in the same manner as an assessment against the parcel. An association may not require the payment of any other fees as a condition for the preparation or delivery of an estoppel certificate. The association may not condition the delivery of an estoppel certificate on the payment of the estoppel fee before closing.

And the title is amended as follows:

Between lines 15 and 16 insert: prohibiting an association from conditioning the delivery of an estoppel certificate on the payment of an estoppel fee before closing;

On motion by Senator Stargel, **CS for CS for CS for SB 736** as amended was passed and certified to the House. The vote on passage was:

Yeas—33

Mr. President	Galvano	Margolis
Bean	Garcia	Montford
Benacquisto	Gibson	Negron
Brandes	Grimsley	Richter
Braynon	Hays	Simmons
Bullard	Hukill	Simpson
Dean	Hutson	Smith
Detert	Joyner	Sobel
Diaz de la Portilla	Latvala	Soto
Evers	Lee	Stargel
Gaetz	Legg	Thompson

Nays—6

Abruzzo	Clemens	Ring
Altman	Flores	Sachs

Vote after roll call:

Yea—Bradley

Vote preference:

June 24, 2015: Yea to Nay—Brandes

CS for SB 904—A bill to be entitled An act relating to home health services; amending s. 400.462, F.S.; defining a term; amending s. 400.464, F.S.; allowing home health agencies to operate related offices inside of the main office's health service planning district without an additional license; amending s. 400.506, F.S.; providing for the licensure of more than one nurse registry operational site within the same health service planning district; authorizing a licensed nurse registry to operate a satellite office; requiring a nurse registry operational site to keep all original records; requiring a nurse registry to provide notice and certain evidence before it relocates an operational site or opens a satellite office; reenacting ss. 400.497, 817.505(3)(h), 400.506(3), F.S., to incorporate the amendment made to s. 400.506, F.S., in references thereto; providing an effective date.

—as amended April 22 was read the third time by title.

On motion by Senator Bean, **CS for SB 904** as amended was passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Braynon	Flores
Abruzzo	Bullard	Gaetz
Altman	Clemens	Galvano
Bean	Dean	Garcia
Benacquisto	Detert	Grimsley
Bradley	Diaz de la Portilla	Hays
Brandes	Evers	Hukill

Hutson	Montford	Sobel
Joyner	Negron	Soto
Latvala	Ring	Stargel
Lee	Sachs	Thompson
Legg	Simpson	
Margolis	Smith	

Nays—None

Vote after roll call:

Yea—Richter, Simmons

SENATOR RICHTER PRESIDING

SB 1010—A bill to be entitled An act relating to false personation; amending s. 843.08, F.S.; revising the list of officials who are prohibited from being falsely personated; revising terminology; amending s. 843.085, F.S.; prohibiting the sale or transfer of specified badges bearing in any manner or combination the words “fire department” and the ownership or operation of vehicles marked or identified by the words “fire department”; requiring specified intent for certain offenses; providing an exception; amending s. 921.0022, F.S.; conforming provisions to changes made by the act; providing an effective date.

—was read the third time by title.

On motion by Senator Braynon, **SB 1010** was passed and certified to the House. The vote on passage was:

Yeas—39

Abruzzo	Flores	Margolis
Altman	Gaetz	Montford
Bean	Galvano	Negron
Benacquisto	Garcia	Richter
Bradley	Gibson	Ring
Brandes	Grimsley	Sachs
Braynon	Hays	Simmons
Bullard	Hukill	Simpson
Clemens	Hutson	Smith
Dean	Joyner	Sobel
Detert	Latvala	Soto
Diaz de la Portilla	Lee	Stargel
Evers	Legg	Thompson

Nays—None

Vote after roll call:

Yea—Mr. President

CS for HB 697—A bill to be entitled An act relating to public health emergencies; amending s. 381.0012, F.S.; providing additional enforcement authority relating to public health orders issued by the Department of Health; amending s. 381.00315, F.S.; defining terms; authorizing the department to declare, enforce, modify, and abolish isolation of persons, animals, and premises for controlling communicable diseases or providing protection from unsafe conditions that pose a threat to public health; requiring the department to establish rules for conditions and procedures for imposing and releasing an order for isolation; providing that rules established under this section supersede all rules enacted by other state agencies, boards, or political subdivisions; amending s. 817.50, F.S.; prohibiting a person in certain circumstances from falsely claiming to a health care provider, or falsely reporting to a law enforcement officer, that such person has contracted a communicable disease; providing criminal penalties; specifying that the act fulfills an important state interest; providing an effective date.

—was read the third time by title.

On motion by Senator Hukill, **CS for HB 697** was passed and certified to the House. The vote on passage was:

Yeas—39

Abruzzo	Flores	Margolis
Altman	Gaetz	Montford
Bean	Galvano	Negron
Benacquisto	Garcia	Richter
Bradley	Gibson	Ring
Brandes	Grimsley	Sachs
Braynon	Hays	Simmons
Bullard	Hukill	Simpson
Clemens	Hutson	Smith
Dean	Joyner	Sobel
Detert	Latvala	Soto
Diaz de la Portilla	Lee	Stargel
Evers	Legg	Thompson

Nays—None

Vote after roll call:

Yea—Mr. President

CS for CS for HB 893—A bill to be entitled An act relating to blanket health insurance eligibility; amending s. 627.659, F.S.; revising the list of special groups of individuals covered by a policy or contract for blanket health insurance; providing an effective date.

—was read the third time by title.

On motion by Senator Hays, **CS for CS for HB 893** was passed and certified to the House. The vote on passage was:

Yeas—39

Abruzzo	Flores	Margolis
Altman	Gaetz	Montford
Bean	Galvano	Negron
Benacquisto	Garcia	Richter
Bradley	Gibson	Ring
Brandes	Grimsley	Sachs
Braynon	Hays	Simmons
Bullard	Hukill	Simpson
Clemens	Hutson	Smith
Dean	Joyner	Sobel
Detert	Latvala	Soto
Diaz de la Portilla	Lee	Stargel
Evers	Legg	Thompson

Nays—None

Vote after roll call:

Yea—Mr. President

CS for CS for SB 388—A bill to be entitled An act relating to transportation facility designations; providing honorary designations of various transportation facilities in specified counties; directing the Department of Transportation to erect suitable markers; providing an effective date.

—as amended April 22 was read the third time by title.

Pursuant to Rule 7.1(1), there being no objection, consideration of the following late-filed amendment was allowed:

Senator Soto moved the following amendment which was adopted by two-thirds vote:

Amendment 1 (301748)—Between lines 106 and 107 insert:

(31) Buenaventura Boulevard between E. Osceola Parkway and C.R. 530/Simpson Road in Osceola County is designated as “Roberto Clemente Memorial Highway.”

On motion by Senator Montford, **CS for CS for SB 388** as amended was passed, ordered engrossed and certified to the House. The vote on passage was:

Yeas—39

Abruzzo	Flores	Margolis
Altman	Gaetz	Montford
Bean	Galvano	Negron
Benacquisto	Garcia	Richter
Bradley	Gibson	Ring
Brandes	Grimsley	Sachs
Braynon	Hays	Simmons
Bullard	Hukill	Simpson
Clemens	Hutson	Smith
Dean	Joyner	Sobel
Detert	Latvala	Soto
Diaz de la Portilla	Lee	Stargel
Evers	Legg	Thompson

Nays—None

Vote after roll call:

Yea—Mr. President

CS for CS for CS for HB 165—A bill to be entitled An act relating to property and casualty insurance; amending s. 627.062, F.S.; restricting to certain property rate filings a requirement that the chief executive officer or chief financial officer and chief actuary of a property insurer certify the information contained in a rate filing; amending s. 627.0628, F.S.; requiring an insurer to employ in certain rate filings actuarial methods, principles, standards, models, or output ranges found by the Florida Commission on Hurricane Loss Projection Methodology to be accurate or reliable in determining probable maximum loss levels; authorizing an insurer to employ a model in a rate filing until 120 days after the expiration of the commission's acceptance of that model; prohibiting insurers from modifying or adjusting the model after the commission finds the model to be accurate or reliable in determining probable maximum loss levels; amending s. 627.0645, F.S.; exempting commercial nonresidential multiperil insurance from annual base rate filing; amending s. 627.3518, F.S.; conforming a cross-reference; amending s. 627.4133, F.S.; increasing the amount of prior notice required with respect to the nonrenewal, cancellation, or termination of certain insurance policies; deleting certain provisions that require extended periods of prior notice with respect to the nonrenewal, cancellation, or termination of certain insurance policies; prohibiting the cancellation of certain policies that have been in effect for a specified amount of time except under certain circumstances; amending s. 627.7074, F.S.; revising notification requirements for participation in the neutral evaluation program; amending s. 627.736, F.S.; revising the period for applicability of certain Medicare fee schedules or payment limitations; exempting certain federally certified entities from the requirement to be licensed in order to receive reimbursement under the Florida Motor Vehicle No-Fault Law; amending s. 627.744, F.S.; revising preinsurance inspection requirements for private passenger motor vehicles; amending s. 631.65, F.S.; authorizing, rather than prohibiting, an advertisement or a solicitation to use the existence of the Florida Insurance Guaranty Association to sell, solicit, or induce the purchase of certain insurance if the advertisement or solicitation explains specified coverage limits; providing an effective date.

—was read the third time by title.

On motion by Senator Brandes, **CS for CS for CS for HB 165** was passed and certified to the House. The vote on passage was:

Yeas—38

Abruzzo	Braynon	Evers
Altman	Bullard	Gaetz
Bean	Clemens	Galvano
Benacquisto	Dean	Garcia
Bradley	Detert	Gibson
Brandes	Diaz de la Portilla	Grimsley

Hays	Margolis	Simpson
Hukill	Montford	Smith
Hutson	Negron	Sobel
Joyner	Richter	Soto
Latvala	Ring	Stargel
Lee	Sachs	Thompson
Legg	Simmons	

Nays—1

Flores

Vote after roll call:

Yea—Mr. President

CS for CS for HB 465—A bill to be entitled An act relating to human trafficking; amending s. 796.07, F.S.; providing enhanced criminal penalties for soliciting another to commit prostitution and similar offenses; requiring persons convicted of such offenses to perform community service and pay for and attend an education program; requiring the court to impose minimum mandatory terms of incarceration for persons convicted two or more times of soliciting another to commit prostitution and similar offenses; providing for impoundment of a vehicle used in soliciting another to commit prostitution and similar offenses; providing an opportunity for owners to prevent the impoundment or immobilization in certain circumstances; amending s. 943.0583, F.S.; providing that any court in the circuit in which the petitioner was arrested may expunge the criminal history record of a victim of human trafficking; requiring a judge to allow an advocate to be present with a human trafficking victim in an expunction hearing in certain circumstances; providing an effective date.

—was read the third time by title.

On motion by Senator Flores, **CS for CS for HB 465** was passed and certified to the House. The vote on passage was:

Yeas—38

Abruzzo	Flores	Montford
Altman	Gaetz	Negron
Bean	Galvano	Richter
Benacquisto	Garcia	Ring
Bradley	Gibson	Sachs
Brandes	Grimsley	Simmons
Braynon	Hays	Simpson
Bullard	Hukill	Smith
Clemens	Hutson	Sobel
Dean	Joyner	Soto
Detert	Latvala	Stargel
Diaz de la Portilla	Lee	Thompson
Evers	Legg	

Nays—None

Vote after roll call:

Yea—Mr. President

HB 467—A bill to be entitled An act relating to public records; amending s. 119.071, F.S.; revising an exemption from public records requirements for certain criminal intelligence and investigative information to exempt information that reveals the identity of a victim of certain human trafficking offenses; amending s. 943.0583, F.S.; providing an exemption from public records requirements for investigative information relating to criminal history records of human trafficking victims that have been ordered expunged; providing for future legislative review and repeal of the exemption; providing a statement of public necessity; providing a contingent effective date.

—was read the third time by title.

On motion by Senator Flores, **HB 467** was passed by the required constitutional two-thirds vote of the members present and voting and certified to the House. The vote on passage was:

Yeas—39

Abruzzo	Flores	Margolis
Altman	Gaetz	Montford
Bean	Galvano	Negron
Benacquisto	Garcia	Richter
Bradley	Gibson	Ring
Brandes	Grimsley	Sachs
Braynon	Hays	Simmons
Bullard	Hukill	Simpson
Clemens	Hutson	Smith
Dean	Joyner	Sobel
Detert	Latvala	Soto
Diaz de la Portilla	Lee	Stargel
Evers	Legg	Thompson

Nays—None

Vote after roll call:

Yea—Mr. President

THE PRESIDENT PRESIDING

HB 469—A bill to be entitled An act relating to public records; amending s. 409.1678, F.S.; providing an exemption from public records requirements for information about the location of safe houses, safe foster homes, and other residential facilities serving victims of sexual exploitation held by an agency; providing exceptions; providing for future legislative review and repeal of the exemption; providing applicability; amending s. 787.06, F.S.; providing an exemption from public records requirements for information held by an agency about the location of residential facilities serving adult victims of human trafficking involving commercial sexual activity; providing exceptions; providing applicability; providing for future legislative review and repeal of the exemption; providing a statement of public necessity; providing a contingent effective date.

—was read the third time by title.

On motion by Senator Flores, **HB 469** was passed by the required constitutional two-thirds vote of the members present and voting and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Evers	Margolis
Abruzzo	Flores	Negron
Altman	Gaetz	Ring
Bean	Galvano	Sachs
Benacquisto	Garcia	Simmons
Bradley	Gibson	Simpson
Brandes	Grimsley	Smith
Braynon	Hays	Sobel
Bullard	Hukill	Soto
Clemens	Hutson	Stargel
Dean	Joyner	Thompson
Detert	Latvala	
Diaz de la Portilla	Legg	

Nays—None

Vote after roll call:

Yea—Montford, Richter

CS for CS for CS for HB 439—A bill to be entitled An act relating to the Department of Legal Affairs; amending s. 16.56, F.S.; revising the list of offenses that may be investigated and prosecuted by the Office of

Statewide Prosecution; creating s. 16.62, F.S.; authorizing the Department of Legal Affairs to expend a specified amount annually for certain recognition and awards programs; amending s. 409.9203, F.S.; specifying the distribution of certain funds recovered in Medicaid fraud actions; amending ss. 501.203 and 501.204, F.S.; updating references for purposes of the Florida Deceptive and Unfair Trade Practices Act; amending s. 960.03, F.S.; revising the definition of the term “crime” for purposes of obtaining crime victim compensation from the department to include certain forcible felonies; revising provisions concerning acts involving the operation of a motor vehicle, boat, or aircraft; revising the definition of the term “disabled adult”; correcting a cross-reference; amending s. 960.13, F.S.; exempting crime victim compensation awards for catastrophic injury from certain deductions; amending s. 960.195, F.S.; revising the maximum victim compensation amounts that the department may award to an elderly person or disabled adult who suffers a property loss that causes a substantial diminution in his or her quality of life in certain circumstances; revising the conditions under which such persons are eligible for awards; authorizing the department to deny, reduce, or withdraw a specified award upon finding that a claimant or award recipient has not duly cooperated with certain persons and entities; creating s. 960.196, F.S.; providing for relocation assistance for human trafficking victims; amending s. 960.198, F.S.; prohibiting relocation assistance for a domestic violence claim if the victim has received previous relocation assistance for a human trafficking claim; amending s. 960.199, F.S.; deleting provisions relating to relocation assistance for human trafficking victims; providing an effective date.

—as amended April 22 was read the third time by title.

On motion by Senator Simmons, **CS for CS for CS for HB 439** as amended was passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Flores	Montford
Abruzzo	Gaetz	Negron
Altman	Galvano	Richter
Bean	Garcia	Ring
Benacquisto	Gibson	Sachs
Bradley	Grimsley	Simmons
Brandes	Hays	Simpson
Braynon	Hukill	Smith
Bullard	Hutson	Sobel
Clemens	Joyner	Soto
Dean	Latvala	Stargel
Detert	Lee	Thompson
Diaz de la Portilla	Legg	
Evers	Margolis	

Nays—None

CS for CS for HB 307—A bill to be entitled An act relating to mobile homes; amending s. 73.072, F.S.; conforming a cross-reference; amending s. 723.003, F.S.; providing definitions; amending s. 723.006, F.S.; requiring the Division of Florida Condominiums, Timeshares, and Mobile Homes to approve training and educational programs for board members of mobile home owners’ associations; providing duties of the division; providing requirements for education curriculum information for board member and mobile home owner training; amending s. 723.023, F.S.; revising mobile home owner’s general obligations; amending s. 723.031, F.S.; conforming a cross-reference; amending s. 723.037, F.S.; providing and revising requirements for lot rental increases; amending s. 723.059, F.S.; revising provisions relating to rights of purchasers of lifetime leases; amending s. 723.0611, F.S.; providing for the removal of a member of the board of directors under certain conditions; amending s. 723.078, F.S.; revising provisions with respect to the bylaws of homeowners’ associations; revising quorum and voting requirements; revising provisions relating to board of directors, committee, and member meetings; providing requirements for meeting minutes; revising requirements for the amendment of articles of incorporation and bylaws; revising requirements for the recall of board members; creating s. 723.1255, F.S.; providing requirements for the alternative resolution of recall disputes; creating s. 723.0781, F.S.; specifying certification or educational requirements for a newly elected or appointed

board member; amending s. 723.079, F.S.; revising and providing requirements relating to the official records of the association; providing an effective date.

—was read the third time by title.

On motion by Senator Latvala, **CS for CS for HB 307** was passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Flores	Montford
Abruzzo	Gaetz	Negron
Altman	Galvano	Richter
Bean	Garcia	Ring
Benacquisto	Gibson	Sachs
Bradley	Grimsley	Simmons
Brandes	Hays	Simpson
Braynon	Hukill	Smith
Bullard	Hutson	Sobel
Clemens	Joyner	Soto
Dean	Latvala	Stargel
Detert	Lee	Thompson
Diaz de la Portilla	Legg	
Evers	Margolis	

Nays—None

CS for HB 641—A bill to be entitled An act relating to amusement games or machines; creating s. 546.10, F.S.; creating the “Family Amusement Games Act”; providing legislative findings; defining terms; authorizing operation of an amusement game or machine pursuant to specified provisions; providing classifications for such a device; providing that specified types of amusement games or machines may only be located at certain locations; specifying the maximum value on the redemption value of a coupon or a point; requiring the Department of Revenue to annually adjust the maximum value; providing a formula for adjustment of the maximum value; requiring the department to publish the amount of the adjusted maximum value; authorizing certain persons or entities to enjoin the operation of an amusement game or machine; providing penalties; amending s. 551.102, F.S.; conforming a cross-reference; repealing s. 849.161, F.S., relating to amusement games or machines; providing an effective date.

—was read the third time by title.

On motion by Senator Stargel, **CS for HB 641** was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Evers	Margolis
Abruzzo	Flores	Montford
Altman	Gaetz	Negron
Bean	Galvano	Richter
Benacquisto	Garcia	Ring
Bradley	Gibson	Sachs
Brandes	Grimsley	Simmons
Braynon	Hays	Simpson
Bullard	Hutson	Smith
Clemens	Joyner	Sobel
Dean	Latvala	Soto
Detert	Lee	Stargel
Diaz de la Portilla	Legg	Thompson

Nays—1

Hukill

CS for CS for HB 437—A bill to be entitled An act relating to guardians for dependent children who are developmentally disabled or incapacitated; amending s. 39.6251, F.S.; requiring the continued review of the necessity of guardianships for young adults; amending s. 39.701,

F.S.; requiring an updated case plan developed in a face-to-face conference with the child, if appropriate, and other specified persons; providing requirements for the Department of Children and Families when a court determines that there is a good faith basis to appoint a guardian advocate, limited guardian, or plenary guardian for the child and that no less restrictive decisionmaking assistance will meet the child’s needs; requiring the department to provide specified information if another interested party or participant initiates proceedings for the appointment of a guardian advocate, plenary guardian, or limited guardian for the child; requiring that proceedings seeking appointment of a guardian advocate or a determination of incapacity and the appointment of a guardian be conducted in a separate proceeding in guardianship court; amending s. 393.12, F.S.; providing that the guardianship court has jurisdiction over proceedings for appointment of a guardian advocate if petitions are filed for certain minors who are subject to chapter 39, F.S., proceedings if such minors have attained a specified age; providing that such minor has the same due process rights as certain adults; providing requirements for when an order appointing a guardian advocate must be issued; providing that proceedings seeking appointment of a guardian advocate for certain minors be conducted separately from any other proceeding; amending s. 744.301, F.S.; providing that if a child is subject to proceedings under chapter 39, F.S., the parents may act as natural guardians unless the court finds that it is not in the child’s best interests or their parental rights have been terminated; amending s. 744.3021, F.S.; requiring the guardianship court to initiate proceedings for appointment of guardians for certain minors who are subject to chapter 39, F.S., proceedings if petitions are filed and if such minors have reached a specified age; providing that such minor has the same due process rights as certain adults; providing requirements for when an order of adjudication and letters of limited or plenary guardianship must be issued; providing that proceedings seeking appointment of a guardian advocate for certain minors be conducted separately from any other proceeding; providing an effective date.

—as amended April 22 was read the third time by title.

On motion by Senator Detert, **CS for CS for HB 437** as amended was passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Flores	Montford
Abruzzo	Gaetz	Negron
Altman	Galvano	Richter
Bean	Garcia	Ring
Benacquisto	Gibson	Sachs
Bradley	Grimsley	Simmons
Brandes	Hays	Simpson
Braynon	Hukill	Smith
Bullard	Hutson	Sobel
Clemens	Joyner	Soto
Dean	Latvala	Stargel
Detert	Lee	Thompson
Diaz de la Portilla	Legg	
Evers	Margolis	

Nays—None

HB 461—A bill to be entitled An act relating to independent nonprofit higher educational facilities financing; amending s. 243.52, F.S.; revising the definition of the term “project” for purposes of the Higher Educational Facilities Financing Act; providing an effective date.

—was read the third time by title.

On motion by Senator Montford, **HB 461** was passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Bradley	Dean
Abruzzo	Brandes	Detert
Altman	Braynon	Diaz de la Portilla
Bean	Bullard	Evers
Benacquisto	Clemens	Flores

Gaetz	Latvala	Simmons
Galvano	Lee	Simpson
Garcia	Legg	Smith
Gibson	Margolis	Sobel
Grimsley	Montford	Soto
Hays	Negron	Stargel
Hukill	Richter	Thompson
Hutson	Ring	
Joyner	Sachs	

Nays—None

CS for CS for CS for HB 775—A bill to be entitled An act relating to the appointment of an ad litem; creating s. 49.31, F.S.; defining the term “ad litem”; authorizing a court to appoint an ad litem for certain parties upon whom service of process by publication is made; prohibiting a court from appointing an ad litem to represent an interest for which a personal representative, guardian of property, or trustee is serving; requiring an ad litem, upon discovery that the party it represents is already represented by a personal representative, guardian of property, or trustee, or is deceased, to take certain actions; prohibiting a court from requiring an ad litem to post a bond or designate a resident agent; requiring a court to discharge an ad litem when the final judgment is entered or as otherwise ordered by the court; providing that an ad litem is entitled to an award of a reasonable fee for services and costs; providing for assessment; prohibiting the use of state funds except in certain circumstances; prohibiting declaring certain proceedings ineffective solely due to a lack of statutory authority to appoint an ad litem; providing construction; providing an effective date.

—was read the third time by title.

On motion by Senator Latvala, **CS for CS for CS for HB 775** was passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Flores	Montford
Abruzzo	Gaetz	Negron
Altman	Galvano	Richter
Bean	Garcia	Ring
Benacquisto	Gibson	Sachs
Bradley	Grimsley	Simmons
Brandes	Hays	Simpson
Braynon	Hukill	Smith
Bullard	Hutson	Sobel
Clemens	Joyner	Soto
Dean	Latvala	Stargel
Detert	Lee	Thompson
Diaz de la Portilla	Legg	
Evers	Margolis	

Nays—None

CS for HB 961—A bill to be entitled An act relating to electronic noticing of trust accounts; amending s. 736.0109, F.S.; authorizing a sender to post a document to a secure electronic account or website upon the approval of a recipient; providing for effective authorization for such posting; requiring a sender to provide a separate notice once a document is electronically posted; specifying when a document sent electronically is deemed received by the recipient; requiring a sender to provide notice of the beginning of a limitations period and authority of a recipient to amend or revoke authorization for electronic posting; providing a form that may be used to effectuate such notice; requiring documents posted to an electronic website to remain accessible to the recipient for a specified period; establishing burdens of proof for purposes of determining whether proper notifications were provided; specifying that electronic messages are deemed received when sent; specifying situations under which electronic messages are not deemed received; specifying that service of documents in a judicial proceeding are governed by the Florida Rules of Civil Procedure; providing an effective date.

—was read the third time by title.

On motion by Senator Bradley, **CS for HB 961** was passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Flores	Montford
Abruzzo	Gaetz	Negron
Altman	Galvano	Richter
Bean	Garcia	Ring
Benacquisto	Gibson	Sachs
Bradley	Grimsley	Simmons
Brandes	Hays	Simpson
Braynon	Hukill	Smith
Bullard	Hutson	Sobel
Clemens	Joyner	Soto
Dean	Latvala	Stargel
Detert	Lee	Thompson
Diaz de la Portilla	Legg	
Evers	Margolis	

Nays—None

SPECIAL ORDER CALENDAR

CS for CS for SB 600—A bill to be entitled An act relating to insurance guaranty associations; amending s. 625.012, F.S.; revising the definition of the term “asset” to include Florida Insurance Guaranty Association assessments, under certain conditions, for purposes of determining the financial condition of an insurer; amending ss. 631.717 and 631.737, F.S.; transferring a provision relating to the obligation of the Florida Life and Health Insurance Guaranty Association to pay valid claims under certain circumstances; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for CS for SB 600**, pursuant to Rule 3.11(3), there being no objection, **CS for HB 189** was withdrawn from the Committees on Banking and Insurance; Commerce and Tourism; and Fiscal Policy.

On motion by Senator Richter—

CS for HB 189—A bill to be entitled An act relating to insurance guaranty associations; amending s. 625.012, F.S.; revising the definition of the term “asset” to include Florida Insurance Guaranty Association assessments, under certain conditions, for purposes of determining the financial condition of an insurer; amending ss. 631.717 and 631.737, F.S.; transferring a provision relating to the obligation of the Florida Life and Health Insurance Guaranty Association to pay valid claims under certain circumstances; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 600** and read the second time by title.

Pursuant to Rule 4.19, **CS for HB 189** was placed on the calendar of Bills on Third Reading.

Consideration of **CS for SB 686** was deferred.

CS for SB 792—A bill to be entitled An act relating to pharmacy; amending s. 465.189, F.S.; authorizing a registered intern under the supervision of a pharmacist to administer specified vaccines to an adult; revising which vaccines may be administered by a pharmacist or a registered intern under the supervision of a pharmacist; requiring a one-to-one ratio for such supervision; requiring a registered intern seeking to administer vaccines to be certified to administer such vaccines and to complete a minimum amount of coursework; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for SB 792**, pursuant to Rule 3.11(3), there being no objection, **CS for HB 279** was withdrawn from

the Committees on Health Policy; Appropriations Subcommittee on Health and Human Services; and Fiscal Policy.

On motion by Senator Bean—

CS for HB 279—A bill to be entitled An act relating to pharmacy; amending s. 465.189, F.S.; authorizing a registered intern under the supervision of a pharmacist to administer specified vaccines to an adult; revising which vaccines may be administered by a pharmacist or registered intern under the supervision of a pharmacist; requiring a specified ratio for such supervision; requiring a registered intern seeking to administer vaccines to be certified to administer such vaccines and to complete a minimum amount of coursework; providing an effective date.

—a companion measure, was substituted for **CS for SB 792** and read the second time by title.

Pursuant to Rule 4.19, **CS for HB 279** was placed on the calendar of Bills on Third Reading.

CS for CS for CS for SB 748—A bill to be entitled An act relating to residential properties; amending s. 617.0721, F.S.; authorizing the use of a copy, facsimile transmission, or other reliable reproduction of an original proxy vote for certain purposes; amending s. 718.111, F.S.; revising liability of unit owners under certain conditions; revising what constitutes official records of an association; amending s. 718.112, F.S.; revising provisions relating to the voting process for providing reserves; amending s. 718.116, F.S.; revising applicability; revising effect of a claim of lien; creating s. 718.128, F.S.; authorizing condominium associations to conduct votes of the membership by online voting under certain conditions; providing requirements for online voting; providing that a member voting electronically is counted toward the determination of a quorum; providing applicability; amending s. 718.303, F.S.; providing that a fine may be levied by the board under certain conditions; revising requirements for levying a fine or suspension; amending s. 718.707, F.S.; extending the time period for classification as bulk assignee or bulk buyer; amending s. 719.104, F.S.; revising what constitutes the official records of an association; amending s. 719.108, F.S.; revising applicability; revising effect of a claim of lien; creating s. 719.129, F.S.; authorizing cooperative associations to conduct votes of the membership by online voting under certain conditions; providing requirements for online voting; providing that a member voting electronically is counted toward the determination of a quorum; providing applicability; amending s. 719.303, F.S.; providing that a fine may be levied by the board under certain conditions; revising requirements for levying a fine or suspension; amending s. 720.301, F.S.; revising the definition of the term “governing documents”; creating s. 720.3015, F.S.; providing a short title; amending s. 720.305, F.S.; revising requirements for levying a fine or suspension; revising application of certain provisions; amending s. 720.306, F.S.; revising requirements for the adoption of amendments to the governing documents; revising requirements for the election of directors; defining the term “any fee, fine, or other monetary obligation”; creating s. 720.317, F.S.; authorizing homeowners’ associations to conduct votes of the membership by online voting under certain conditions; providing requirements for online voting; providing that a member voting electronically is counted toward the determination of a quorum; providing applicability; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for CS for CS for SB 748**, pursuant to Rule 3.11(3), there being no objection, **CS for CS for HB 791** was withdrawn from the Committees on Regulated Industries; Judiciary; and Fiscal Policy.

CS for CS for HB 791—A bill to be entitled An act relating to residential properties; amending s. 617.0721, F.S.; authorizing the use of a copy, facsimile transmission, or other reliable reproduction of an original proxy vote for certain purposes; amending s. 718.111, F.S.; revising liability of unit owners under certain conditions; revising what constitutes official records of an association; amending s. 718.112, F.S.; authorizing the electronic transmission of notices of certain meetings of a condominium association irrespective of whether authorized by the association’s bylaws; revising provisions relating to the voting process for providing reserves; creating s. 718.128, F.S.; authorizing condominium associations to conduct votes of the membership by online voting under certain conditions; providing that a member voting electronically is

counted toward the determination of a quorum; providing applicability; amending s. 719.106, F.S.; authorizing the electronic transmission of notices of certain meetings of a cooperative association irrespective of whether authorized by the association’s bylaws; creating s. 719.129, F.S.; authorizing cooperative associations to conduct votes of the membership by online voting under certain conditions; providing that a member voting electronically is counted toward the determination of a quorum; providing applicability; amending s. 720.303, F.S.; authorizing the electronic transmission of notices of certain meetings of a homeowners’ association irrespective of whether authorized by the association’s bylaws; creating s. 720.317, F.S.; authorizing homeowners’ associations to conduct votes of the membership by online voting under certain conditions; providing that a member voting electronically is counted toward the determination of a quorum; providing applicability; amending s. 718.116, F.S.; revising applicability; revising effect of a claim of lien; amending s. 718.303, F.S.; providing that a fine may be levied by the board under certain conditions; revising requirements for levying a fine or suspension; amending s. 718.707, F.S.; extending the time period for classification as bulk assignee or bulk buyer; amending s. 719.104, F.S.; revising what constitutes the official records of an association; amending s. 719.108, F.S.; revising applicability; revising effect of a claim of lien; amending s. 719.303, F.S.; providing that a fine may be levied by the board under certain conditions; revising requirements for levying a fine or suspension; amending s. 720.301, F.S.; revising the definition of the term “governing documents”; creating s. 720.3015, F.S.; providing a short title; amending s. 720.305, F.S.; revising requirements for levying a fine or suspension; revising application of certain provisions; amending s. 720.306, F.S.; revising requirements for the adoption of amendments to the governing documents; revising requirements for the election of directors; providing an effective date.

—a companion measure, was substituted for **CS for CS for CS for SB 748** and read the second time by title.

On motion by Senator Ring, further consideration of **CS for CS for HB 791** was deferred.

CS for CS for CS for SB 390—A bill to be entitled An act relating to fraud; creating s. 817.011, F.S.; defining the term “business entity”; amending s. 817.02, F.S.; providing that causing damage to a victim’s credit history or credit rating or otherwise causing harm to the victim in the course of falsely personating the victim is punishable; providing for restitution to victims for certain costs; authorizing the court to issue orders to correct a public record under certain circumstances; providing for a civil cause of action for certain victims; defining the term “victim”; creating s. 817.032, F.S.; defining the term “victim”; requiring business entities to provide copies of business records of fraudulent transactions involving identity theft to victims and law enforcement agencies in certain circumstances; providing an exception; providing for verification of a victim’s identity and claim; providing procedures for claims; requiring that certain information be provided to victims without charge; specifying circumstances in which business entities may decline to provide information; providing a limitation on civil liability for business entities that provide or decline to provide information in certain circumstances; specifying that no new record retention is required; providing an affirmative defense to business entities in actions seeking enforcement of provisions; amending s. 817.11, F.S.; making editorial changes; transferring, renumbering, and amending ss. 817.12 and 817.13, F.S.; combining offense, penalty, and evidence provisions and transferring such provisions to s. 817.11, F.S.; amending s. 817.14, F.S.; clarifying provisions; amending s. 817.15, F.S.; substituting the term “business entity” for the term “corporation”; amending ss. 817.17 and 817.18, F.S.; including counties and other political subdivisions in provisions prohibiting the false marking of goods or packaging with a location of origin; reorganizing penalty provisions; amending s. 817.19, F.S.; prohibiting fraudulent issuance of indicia of membership interest in a limited liability company; amending s. 817.39, F.S.; substituting the term “business entity” for the term “corporation”; amending s. 817.40, F.S.; specifying that the term “misleading advertising” includes electronic forms of dissemination; amending s. 817.411, F.S.; substituting the term “business entity” for the term “corporation”; specifying that certain false statements made through electronic means are prohibited; amending s. 817.412, F.S.; specifying that electronic statements are included in provisions prohibiting false representations of used goods as new; creating s. 817.414, F.S.; prohibiting the sale of counterfeit security company signs or decals; providing criminal penalties; amending s.

817.481, F.S.; clarifying provisions; amending s. 817.50, F.S.; revising criminal penalties for fraudulently obtaining goods or services from a health care provider; amending s. 817.568, F.S.; expanding specified identity theft offenses to include all persons rather than being limited to natural persons; including dissolved business entities within certain offenses involving fraudulent use of personal identification information of deceased persons; amending s. 817.569, F.S.; prohibiting a person from knowingly providing false information that becomes part of a public record to facilitate or further the commission of certain offenses; providing criminal penalties; amending s. 921.0022, F.S.; conforming provisions to changes made by the act; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for CS for CS for SB 390**, pursuant to Rule 3.11(3), there being no objection, **CS for CS for CS for HB 157** was withdrawn from the Committees on Judiciary; Criminal Justice; Appropriations Subcommittee on Criminal and Civil Justice; and Fiscal Policy.

On motion by Senator Richter—

CS for CS for CS for HB 157—A bill to be entitled An act relating to fraud; creating s. 817.011, F.S.; defining the term “business entity”; amending s. 817.02, F.S.; providing for restitution to victims for certain victim out-of-pocket costs; providing for a civil cause of action for certain victims; creating s. 817.032, F.S.; defining the term “victim”; requiring business entities to provide copies of business records of fraudulent transactions involving identity theft to victims and law enforcement agencies in certain circumstances; providing an exception; providing for verification of a victim’s identity and claim; providing procedures for claims; requiring that certain information be provided to victims without charge; specifying circumstances in which business entities may decline to provide information; providing a limitation on civil liability for business entities that provide or decline to provide information in certain circumstances; specifying that no new record retention is required; providing an affirmative defense to business entities in actions seeking enforcement of provisions; amending s. 817.11, F.S.; making editorial changes; amending and renumbering ss. 817.12 and 817.13, F.S.; combining offense, penalty, and evidence provisions and transferring such provisions to s. 817.11, F.S.; amending s. 817.14, F.S.; making editorial changes; amending s. 817.15, F.S.; substituting the term “business entity” for the term “corporation”; amending ss. 817.17 and 817.18, F.S.; including counties and other political subdivisions in provisions prohibiting the false marking of goods or packaging with a location of origin; reorganizing penalty provisions; amending s. 817.19, F.S.; prohibiting fraudulent issuance of indicia of membership interest in a limited liability company; amending s. 817.39, F.S.; substituting the term “business entity” for the term “corporation”; amending s. 817.40, F.S.; specifying that the term “misleading advertising” includes electronic forms of dissemination; amending s. 817.411, F.S.; substituting the term “business entity” for the term “corporation”; specifying that certain false statements made through electronic means are prohibited; amending s. 817.412, F.S.; specifying that electronic statements are included in provisions prohibiting false representations of used goods as new; creating s. 817.414, F.S.; prohibiting the sale of counterfeit security company signs or decals; providing criminal penalties; amending s. 817.481, F.S.; revising a catchline; making technical changes; amending s. 817.50, F.S.; revising criminal penalties for fraudulently obtaining goods or services from a health care provider; amending s. 817.568, F.S.; expanding specified identity theft offenses to include all persons rather than being limited to natural persons; including dissolved business entities within certain offenses involving fraudulent use of personal identification information of deceased persons; amending s. 817.569, F.S.; prohibiting a person from knowingly providing false information that becomes part of a public record to facilitate or further the commission of certain offenses; providing criminal penalties; amending s. 921.0022, F.S.; conforming provisions to changes made by the act; providing an effective date.

—a companion measure, was substituted for **CS for CS for CS for SB 390** and read the second time by title.

Pursuant to Rule 4.19, **CS for CS for CS for HB 157** was placed on the calendar of Bills on Third Reading.

CS for CS for CS for SB 288—A bill to be entitled An act relating to utilities regulation; amending s. 350.01, F.S.; providing term limits for commissioners appointed after a specified date; requiring the Florida Public Service Commission to hold public customer service meetings in certain service territories; requiring that specified meetings, workshops, hearings, or proceedings of the commission be streamed live and recorded copies be made available on the commission’s web page; amending s. 350.031, F.S.; requiring a person who lobbies a member of the Florida Public Service Commission Nominating Council to register as a lobbyist; reenacting and amending s. 350.041, F.S.; requiring public service commissioners to annually complete ethics training; providing applicability; amending s. 350.042, F.S.; revising the prohibition against ex parte communication to apply to any matter that a commissioner knows or reasonably expects will be filed within a certain timeframe; providing legislative intent; defining terms; applying the prohibition against ex parte communications to specified meetings; requiring the Governor to remove from office any commissioner found to have willfully and knowingly violated the ex parte communications statute; amending s. 350.0611, F.S.; authorizing the Public Counsel to be a party to settlement agreements in any proceeding before the commission in which he or she has participated as a party; prohibiting a settlement agreement from being submitted to or approved by the Florida Public Service Commission under certain circumstances; amending s. 366.05, F.S.; limiting the use of tiered rates in conjunction with extended billing periods; limiting deposit amounts; requiring a utility to notify each customer if it has more than one rate for any customer class; requiring the utility to provide good faith assistance to the customer in determining the best rate; assigning responsibility to the customer for the rate selection; requiring that the commission approve new tariffs and certain changes to existing tariffs; amending s. 366.82, F.S.; requiring that money received by a utility for the development of demand-side renewable energy systems be used solely for that purpose; creating s. 366.95, F.S.; defining terms; authorizing electric utilities to petition the Florida Public Service Commission for certain financing orders that authorize the issuance of nuclear asset-recovery bonds, the imposition, collection, and periodic adjustments of nuclear asset-recovery charges, and the creation of nuclear asset-recovery property; providing requirements; providing exceptions to the commission’s jurisdictions as it relates to financing orders; specifying duties of electric utilities that have obtained a financing order and issued nuclear asset-recovery bonds; specifying properties, requirements and limitations relating to nuclear asset-recovery property; providing requirements as to the sufficiency of the description of certain nuclear asset-recovery property; subjecting financing statements to the Uniform Commercial Code; providing an exception; specifying that nuclear asset-recovery bonds are not public debt; specifying certain state pledges relating to bondholders; declaring that certain entities are not electric utilities under certain circumstances; specifying effect of certain provisions in situations of conflict; providing for protecting the validity of nuclear-asset recovery bonds under certain circumstances; providing penalties; reenacting ss. 403.537(1)(a) and 403.9422(1)(a), F.S., relating to determination of need for electric and natural gas transmission lines, respectively; reenacting s. 350.043, F.S., relating to the enforcement and interpretation of laws relating to the commission; providing an appropriation; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for CS for CS for SB 288**, pursuant to Rule 3.11(3), there being no objection, **CS for HB 7109** was withdrawn from the Committees on Communications, Energy, and Public Utilities; and Appropriations.

On motion by Senator Latvala—

CS for HB 7109—A bill to be entitled An act relating to the Florida Public Service Commission; amending s. 350.01, F.S.; providing term limits for commissioners appointed after a specified date; requiring that specified meetings, workshops, hearings, or proceedings of the commission be streamed live and recorded copies be made available on the commission’s website; amending s. 350.031, F.S.; requiring a person who lobbies a member of the Florida Public Service Commission Nominating Council to register as a lobbyist; requiring implementation by joint rule; amending s. 350.041, F.S.; requiring public service commissioners to annually complete ethics training; amending s. 350.042, F.S.; revising the prohibition against ex parte communications to include any matter that a commissioner knows or reasonably expects will be filed within a certain timeframe; providing legislative intent; defining terms; applying

the prohibition against ex parte communications to specified meetings; specifying conditions under which the Governor must remove from office any commissioner found to have willfully and knowingly violated the ex parte communications law; amending s. 366.05, F.S.; limiting the use of tiered rates in conjunction with extended billing periods; limiting deposit amounts; requiring a utility to notify each customer if it has more than one rate for any customer class; requiring the utility to provide good faith assistance to the customer in determining the best rate; assigning responsibility to the customer for the rate selection; requiring the commission to approve new tariffs and certain changes to existing tariffs; amending s. 366.82, F.S.; requiring that money received by a utility for the development of demand-side renewable energy systems be used solely for that purpose; creating s. 366.95, F.S.; defining terms; authorizing electric utilities to petition the commission for certain financing orders that authorize the issuance of nuclear asset-recovery bonds, authorize the imposition, collection, and periodic adjustments of nuclear asset-recovery charges, and authorize the creation of nuclear asset-recovery property; providing requirements; providing exceptions to the commission's jurisdiction for certain aspects of financing orders; specifying duties of electric utilities that have obtained a financing order and issued nuclear asset-recovery bonds; specifying properties, requirements, and limitations relating to nuclear asset-recovery property; providing requirements as to the sufficiency of the description of certain nuclear asset-recovery property; subjecting financing statements to the Uniform Commercial Code; providing an exception; specifying that nuclear asset-recovery bonds are not public debt; specifying certain state pledges relating to bondholders; declaring that certain entities are not electric utilities under certain circumstances; specifying effect of certain provisions in situations of conflict; providing for protecting validity of certain bonds under certain circumstances; providing penalties; providing an effective date.

—a companion measure, was substituted for **CS for CS for CS for SB 288** and read the second time by title.

Senator Latvala moved the following amendment:

Amendment 1 (620188) (with directory and title amendments)—Between lines 76 and 77 insert:

(8) *At least annually, the commission shall hold a customer service meeting, open to the public, in the service territory of each public utility regulated by the commission which supplies electricity.*

And the directory clause is amended as follows:

Delete line 66 and insert: Statutes, is amended, and subsections (8) and (9) are added to that

And the title is amended as follows:

Delete line 5 and insert: date; requiring the Florida Public Service Commission to hold public customer service meetings in certain service territories; requiring that specified meetings, workshops,

Pursuant to Rule 7.1(1), there being no objection, consideration of the following late-filed amendment was allowed:

Senator Latvala moved the following substitute amendment which was adopted:

Amendment 2 (606844) (with directory and title amendments)—Delete line 77 and insert:

(8) *At least every other year, the commission shall hold a customer service meeting, open to the public, in the service territory of each public utility regulated by the commission which supplies electricity.*

(9) *Each meeting, including each internal affairs meeting,*

And the directory clause is amended as follows:

Delete line 66 and insert: Statutes, is amended, and subsections (8) and (9) are added to that

And the title is amended as follows:

Delete line 5 and insert: date; requiring the commission to hold a customer service meeting at least every other year; requiring that specified meetings, workshops,

Pursuant to Rule 7.1(1), there being no objection, consideration of the following late-filed amendment was allowed:

Senator Latvala moved the following amendment:

Amendment 3 (163040)—Delete line 233 and insert: *utility or the utility returning any overcharge requested by that customer.*

Pursuant to Rule 7.1(1), there being no objection, consideration of the following late-filed amendment was allowed:

Senator Latvala moved the following substitute amendment which was adopted:

Amendment 4 (251712)—Delete lines 214-233 and insert:

(c) *Effective January 1, 2016, a utility may not charge or receive a deposit in excess of the amounts specified in paragraphs 1. and 2.*

1. *For an existing account, the total deposit may not exceed 2 months of average actual charges, calculated by adding the monthly charges from the 12-month period immediately before the date any change in the deposit amount is sought, dividing this total by 12, and multiplying the result by 2. If the account has less than 12 months of actual charges, the deposit shall be calculated by adding the available monthly charges, dividing this total by the number of months available, and multiplying the result by 2.*

2. *For a new service request, the total deposit may not exceed 2 months of projected charges, calculated by adding 12 months of projected charges, dividing this total by 12, and multiplying the result by 2.*

3. *For each new service deposit established under paragraph 2. on or after January 1, 2017, the amount of the deposit shall be recalculated using actual data when the new customer has had continuous service for a 12-month period. If the recalculated amount exceeds the amount of the deposit that was collected from the customer, the customer shall pay that portion of the difference that may be billed by the utility. If the recalculated amount is less than the amount of the deposit collected from the customer, the utility shall credit the difference to the customer.*

Pursuant to Rule 7.1(1), there being no objection, consideration of the following late-filed amendment was allowed:

Senator Latvala moved the following amendment which was adopted:

Amendment 5 (927036) (with title amendment)—Between lines 1080 and 1081 insert:

Section 8. *For the 2015-2016 fiscal year, the sums of \$34,338 in recurring and \$13,775 in nonrecurring funds from the General Revenue Fund are appropriated to the Florida Public Service Commission for the purpose of implementing this act.*

And the title is amended as follows:

Delete line 60 and insert: circumstances; providing penalties; providing an appropriation; providing an

Pursuant to Rule 4.19, **CS for HB 7109**, as amended, was placed on the calendar of Bills on Third Reading.

CS for CS for SB 1222—A bill to be entitled An act relating to the Division of Insurance Agent and Agency Services; amending s. 626.015, F.S.; revising the definition of “general lines agent,” to remove a restriction with respect to agents transacting health insurance; limiting the types of health insurance agents; amending s. 626.0428, F.S.; revising licensure requirements of certain agents in charge of an agency's place of business; amending s. 626.221, F.S.; revising examination requirements and exemptions for applicants for certain agent and adjuster licenses; amending s. 626.241, F.S.; revising the scope of license examinations for agents and adjusters; amending s. 626.2817, F.S.; revising requirements of certain prelicensure education courses for insurance agents and other licensees; amending s. 626.311, F.S.; conforming pro-

visions to changes made by the act; amending s. 626.732, F.S.; revising requirements relating to knowledge, experience, and instruction for applicants for a license as a general lines or personal lines agent; amending s. 626.7351, F.S.; revising qualifications for a customer representative's license; amending s. 626.7354, F.S.; revising provisions relating to customer representative compensation to allow the receipt of commissions by such representatives if the commissions do not constitute the primary source of compensation; amending s. 626.748, F.S.; requiring agents to maintain certain records for a specified period of time; amending s. 626.753, F.S.; conforming provisions to changes made by act; amending ss. 626.7851 and 626.8311, F.S.; revising requirements relating to the knowledge, experience, or instruction for life agents and health agents, respectively; amending s. 626.931, F.S.; deleting provisions that require surplus lines agents to file a quarterly affidavit with the Florida Surplus Lines Office; amending ss. 626.932, 626.935, and 626.936, F.S.; conforming provisions to changes made by act; amending s. 626.9541, F.S.; providing that certain provisions relating to illegal dealings in premiums are applicable notwithstanding any other provision of law; amending s. 627.4553, F.S.; requiring an insurance agent to provide and retain certain information upon surrender of an annuity contract or life insurance policy under certain circumstances; defining the term "surrender"; amending s. 631.341, F.S.; authorizing certain notices of insolvency to be delivered to policyholders by certain methods; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for CS for SB 1222**, pursuant to Rule 3.11(3), there being no objection, **CS for CS for HB 1133** was withdrawn from the Committees on Banking and Insurance; Appropriations Subcommittee on General Government; and Fiscal Policy.

CS for CS for HB 1133—A bill to be entitled An act relating to the Division of Insurance Agent and Agency Services; amending s. 626.015, F.S.; revising the definition of "general lines agent," to remove certain restrictions regarding health insurance; amending s. 626.0428, F.S.; revising licensure requirements of certain agents in charge of an agency's place of business; amending s. 626.221, F.S.; revising examination requirements for applicants for a license as a general lines agent, personal lines agent, or all-lines adjuster; creating examination requirements and qualifications for exemption from examinations for personal lines agents, life agents, and health agents; revising examination requirements for applicants qualifying for license transfer and applicants that hold a comparable license in another state; amending s. 626.241, F.S.; revising the scope of license examinations for agents and adjusters; amending s. 626.2817, F.S.; revising requirements of certain pre-licensure education courses for insurance agents and other licensees; amending s. 626.311, F.S.; conforming provisions to changes made by the act; amending s. 626.732, F.S.; revising requirements relating to knowledge, experience, and instruction for applicants for a license as a general lines or personal lines agent; amending s. 626.7351, F.S.; revising qualifications for a customer representative's license; amending s. 626.7354, F.S.; deleting a prohibition on a customer representative's compensation including commissions but prohibiting the compensation from being based primarily on commissions; amending s. 626.748, F.S.; requiring agents to maintain certain records for a specified time period after policy expiration; amending s. 626.753, F.S.; authorizing certain agents and customer representatives to share commissions; amending ss. 626.7851 and 626.8311, F.S.; revising requirements relating to the knowledge, experience, or instruction for life agents and health agents, respectively; amending s. 626.9541, F.S.; providing that certain provisions relating to illegal dealings in premiums are applicable notwithstanding any other provision of law; amending s. 627.4553, F.S.; requiring an insurance agent to provide and retain certain information upon surrender of an annuity or life insurance policy under certain circumstances; defining the term "surrender"; amending s. 631.341, F.S.; authorizing certain notices of insolvency to be delivered to policyholders by certain methods; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 1222** and read the second time by title.

On motion by Senator Richter, further consideration of **CS for CS for HB 1133** was deferred.

On motion by Senator Ring, the Senate resumed consideration of—

CS for CS for HB 791—A bill to be entitled An act relating to residential properties; amending s. 617.0721, F.S.; authorizing the use of a copy, facsimile transmission, or other reliable reproduction of an original proxy vote for certain purposes; amending s. 718.111, F.S.; revising liability of unit owners under certain conditions; revising what constitutes official records of an association; amending s. 718.112, F.S.; authorizing the electronic transmission of notices of certain meetings of a condominium association irrespective of whether authorized by the association's bylaws; revising provisions relating to the voting process for providing reserves; creating s. 718.128, F.S.; authorizing condominium associations to conduct votes of the membership by online voting under certain conditions; providing that a member voting electronically is counted toward the determination of a quorum; providing applicability; amending s. 719.106, F.S.; authorizing the electronic transmission of notices of certain meetings of a cooperative association irrespective of whether authorized by the association's bylaws; creating s. 719.129, F.S.; authorizing cooperative associations to conduct votes of the membership by online voting under certain conditions; providing that a member voting electronically is counted toward the determination of a quorum; providing applicability; amending s. 720.303, F.S.; authorizing the electronic transmission of notices of certain meetings of a homeowners' association irrespective of whether authorized by the association's bylaws; creating s. 720.317, F.S.; authorizing homeowners' associations to conduct votes of the membership by online voting under certain conditions; providing that a member voting electronically is counted toward the determination of a quorum; providing applicability; amending s. 718.116, F.S.; revising applicability; revising effect of a claim of lien; amending s. 718.303, F.S.; providing that a fine may be levied by the board under certain conditions; revising requirements for levying a fine or suspension; amending s. 718.707, F.S.; extending the time period for classification as bulk assignee or bulk buyer; amending s. 719.104, F.S.; revising what constitutes the official records of an association; amending s. 719.108, F.S.; revising applicability; revising effect of a claim of lien; amending s. 719.303, F.S.; providing that a fine may be levied by the board under certain conditions; revising requirements for levying a fine or suspension; amending s. 720.301, F.S.; revising the definition of the term "governing documents"; creating s. 720.3015, F.S.; providing a short title; amending s. 720.305, F.S.; revising requirements for levying a fine or suspension; revising application of certain provisions; amending s. 720.306, F.S.; revising requirements for the adoption of amendments to the governing documents; revising requirements for the election of directors; providing an effective date.

—which was previously considered this day.

Pursuant to Rule 4.19, **CS for CS for HB 791** was placed on the calendar of Bills on Third Reading.

On motion by Senator Richter—

CS for CS for CS for HB 87—A bill to be entitled An act relating to construction defect claims; amending s. 558.001, F.S.; revising legislative intent; amending s. 558.002, F.S.; revising the definition of the term "completion of a building or improvement"; amending s. 558.004, F.S.; providing additional requirements for a notice of claim; revising requirements for a response; revising provisions relating to production of certain records; amending ss. 718.203 and 719.203, F.S.; conforming provisions to changes made by the act; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for CS for CS for HB 87** was placed on the calendar of Bills on Third Reading.

CS for SB 476—A bill to be entitled An act relating to mental health; amending s. 394.455, F.S.; redefining the term "psychiatric nurse"; amending s. 394.463, F.S.; adding a psychiatric nurse as a person at a receiving facility authorized to perform a required examination of certain patients; prohibiting the release of a patient from a receiving facility that is owned or operated by a hospital or health system without specified approvals; authorizing the release of a patient by a psychiatric nurse under certain circumstances; prohibiting a psychiatric nurse from releasing a patient if the involuntary examination was initiated by a

psychiatrist without the psychiatrist's approval; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for SB 476**, pursuant to Rule 3.11(3), there being no objection, **CS for CS for HB 335** was withdrawn from the Committees on Health Policy; Children, Families, and Elder Affairs; and Rules.

On motion by Senator Grimsley—

CS for CS for HB 335—A bill to be entitled An act relating to psychiatric nurses; amending s. 394.455, F.S.; revising the definition of the term “psychiatric nurse” to require specified national certification; amending s. 394.463, F.S.; authorizing a psychiatric nurse to approve the involuntary examination or release of a patient from a receiving facility in accordance with a specified protocol and under certain conditions; providing an effective date.

—a companion measure, was substituted for **CS for SB 476** and read the second time by title.

Pursuant to Rule 4.19, **CS for CS for HB 335** was placed on the calendar of Bills on Third Reading.

On motion by Senator Richter, the Senate resumed consideration of—

CS for CS for HB 1133—A bill to be entitled An act relating to the Division of Insurance Agent and Agency Services; amending s. 626.015, F.S.; revising the definition of “general lines agent,” to remove certain restrictions regarding health insurance; amending s. 626.0428, F.S.; revising licensure requirements of certain agents in charge of an agency's place of business; amending s. 626.221, F.S.; revising examination requirements for applicants for a license as a general lines agent, personal lines agent, or all-lines adjuster; creating examination requirements and qualifications for exemption from examinations for personal lines agents, life agents, and health agents; revising examination requirements for applicants qualifying for license transfer and applicants that hold a comparable license in another state; amending s. 626.241, F.S.; revising the scope of license examinations for agents and adjusters; amending s. 626.2817, F.S.; revising requirements of certain pre-licensure education courses for insurance agents and other licensees; amending s. 626.311, F.S.; conforming provisions to changes made by the act; amending s. 626.732, F.S.; revising requirements relating to knowledge, experience, and instruction for applicants for a license as a general lines or personal lines agent; amending s. 626.7351, F.S.; revising qualifications for a customer representative's license; amending s. 626.7354, F.S.; deleting a prohibition on a customer representative's compensation including commissions but prohibiting the compensation from being based primarily on commissions; amending s. 626.748, F.S.; requiring agents to maintain certain records for a specified time period after policy expiration; amending s. 626.753, F.S.; authorizing certain agents and customer representatives to share commissions; amending ss. 626.7851 and 626.8311, F.S.; revising requirements relating to the knowledge, experience, or instruction for life agents and health agents, respectively; amending s. 626.9541, F.S.; providing that certain provisions relating to illegal dealings in premiums are applicable notwithstanding any other provision of law; amending s. 627.4553, F.S.; requiring an insurance agent to provide and retain certain information upon surrender of an annuity or life insurance policy under certain circumstances; defining the term “surrender”; amending s. 631.341, F.S.; authorizing certain notices of insolvency to be delivered to policyholders by certain methods; providing an effective date.

—which was previously considered this day.

Pursuant to Rule 4.19, **CS for CS for HB 1133** was placed on the calendar of Bills on Third Reading.

SB 788—A bill to be entitled An act relating to disabled parking; amending s. 316.1964, F.S.; revising provisions that allow counties and municipalities to charge fees for vehicles displaying a disabled parking permit at certain timed parking facilities; excluding vehicles displaying a DV license plate from payment of such fees; providing an effective date.

—was read the second time by title.

Pending further consideration of **SB 788**, pursuant to Rule 3.11(3), there being no objection, **CS for HB 471** was withdrawn from the Committees on Transportation; Community Affairs; and Fiscal Policy.

On motion by Senator Sobel—

CS for HB 471—A bill to be entitled An act relating to disabled parking; amending s. 316.1964, F.S.; revising provisions that allow counties and municipalities to charge fees for vehicles displaying a disabled parking permit at certain timed parking facilities; excluding vehicles displaying a “DV” license plate issued to certain disabled veterans from payment of such fees; providing an effective date.

—a companion measure, was substituted for **SB 788** and read the second time by title.

Pursuant to Rule 4.19, **CS for HB 471** was placed on the calendar of Bills on Third Reading.

CS for CS for SB 680—A bill to be entitled An act relating to the Fish and Wildlife Conservation Commission; amending ss. 327.37, 327.39, and 327.50, F.S.; requiring that personal flotation devices be used in accordance with the United States Coast Guard approval label; reenacting s. 327.50(1)(a), F.S., relating to vessel safety equipment, to incorporate changes to federal regulations; amending s. 379.223, F.S.; authorizing citizen support organizations to receive funds from the commission if the organization provides services by contract under certain circumstances; amending s. 379.3012, F.S.; revising the rulemaking authority of the commission relating to the alligator management and trapping program; amending s. 379.357, F.S.; revising the dates for tarpon tag validity; deleting the requirement that tax collectors submit forms annually relating to the number of unissued tags; deleting the requirement for submitting forms relating to tarpon landed; amending s. 379.361, F.S.; removing the income requirement for a restricted species endorsement on a saltwater products license; amending s. 379.364, F.S.; requiring resident dealers to pay a certain fee per annum; removing the requirement for dealers and buyers to forward reports relating to the number and kinds of hide bought; removing the requirement that common carriers ship, transport, or receive only hides or furs marked with certain identifying information; amending s. 379.3751, F.S.; removing the rulemaking authority of the commission to limit the number of participants engaged in the taking of alligators or their eggs from the wild and to establish appropriate qualifications for certain alligator collectors; providing exemptions for alligator trapping licenses; requiring certain licenses to be issued without fee to residents who meet the requirements for disability; clarifying that a management area permit is not required for a person engaged in the taking of an alligator under a permit that authorizes the taking of alligators; providing that the transfer of fees for marketing and education services is contingent upon annual appropriation; amending s. 379.3752, F.S.; removing the requirement that the commission expend one-third of the revenue from the issuance of alligator hatchling tags for alligator husbandry research; providing that the transfer of fees for marketing and education services is contingent upon annual appropriation; deleting the requirement that the number of tags pursuant to a collection permit be equal to a safe yield of alligators; amending s. 379.401, F.S.; conforming provisions to changes made by the act; creating s. 379.412, F.S.; establishing penalties for the unlawful feeding of wildlife and freshwater fish; providing applicability; defining the term “violation”; repealing s. 379.3011, F.S., relating to the alligator trapping program; repealing s. 379.3013, F.S., relating to alligator study requirements; repealing s. 379.3016, F.S., relating to the prohibition against the sale of alligator products and associated penalties; repealing s. 379.3017, F.S., relating to the restricted use of the terms “alligator” or “gator” in certain sales; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for CS for SB 680**, pursuant to Rule 3.11(3), there being no objection, **CS for HB 7021** was withdrawn from the Committees on Environmental Preservation and Conservation; Appropriations Subcommittee on General Government; and Appropriations.

On motion by Senator Dean—

CS for HB 7021—A bill to be entitled An act relating to the Fish and Wildlife Conservation Commission; amending ss. 327.37, 327.39, and 327.50, F.S.; requiring that personal floatation devices be used in accordance with the United States Coast Guard approval label during operation of certain vessels or personal watercraft or while engaged in water skiing, parasailing, aquaplaning, and similar activities; reenacting s. 327.50(1)(a), F.S., relating to vessel safety equipment, to incorporate changes to federal regulations; amending s. 379.223, F.S.; authorizing citizen support organizations to receive funds from the commission if the organization provides services by contract under certain circumstances; amending s. 379.3012, F.S.; conforming provisions relating to implementation of the alligator management and trapping program to changes made by the act; amending s. 379.357, F.S.; revising the time period for which tarpon tags are valid; removing provisions requiring tax collectors to submit unissued tarpon tags and audit reports to the commission; removing provisions requiring individuals to submit information regarding landed tarpon to the commission; amending s. 379.361, F.S.; removing criteria for issuance of restricted species endorsements on saltwater products licenses; amending s. 379.364, F.S.; removing provisions requiring dealers and buyers of certain hides and furs to submit reports to the commission; removing provisions prohibiting the shipment of hides or furs without specified information; amending s. 379.3751, F.S.; removing provisions authorizing the commission to limit the number of participants engaged in the taking of alligators or their eggs; exempting certain persons from alligator trapping license requirements and fees; providing that certain permit holders engaged in the taking of alligators are not required to possess management area permits; amending s. 379.3752, F.S.; removing provisions requiring alligator hide validation tags to be affixed to the hide of any alligator taken from the wild; revising provisions requiring the commission to transfer certain revenues for alligator husbandry research; requiring the commission to transfer funds, contingent upon certain appropriations, from the alligator management program to the General Inspection Trust Fund for the purpose of providing marketing and education services regarding alligator products produced in this state; removing provisions authorizing the commission to limit the number of tags available for alligators taken pursuant to a collection permit; amending s. 379.401, F.S.; conforming provisions to changes made by the act; creating s. 379.412, F.S.; providing penalties for the feeding of wildlife and freshwater fish; providing applicability; defining the term “violation”; repealing s. 379.3011, F.S., relating to the alligator trapping program; repealing s. 379.3013, F.S., relating to alligator study requirements; repealing s. 379.3016, F.S., relating to the unlawful sale of alligator products; repealing s. 379.3017, F.S., relating to products derived or made from the skins of other crocodilia; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 680** and read the second time by title.

Pursuant to Rule 4.19, **CS for HB 7021** was placed on the calendar of Bills on Third Reading.

CS for SB 1270—A bill to be entitled An act relating to criminal justice; providing a short title; amending ss. 741.31, 784.047, and 784.0487, F.S.; providing enhanced criminal penalties for a third or subsequent violation of an injunction for protection against specified acts of violence or a foreign protection order issued under specified provisions; amending s. 775.15, F.S.; revising time limitations for the criminal prosecution of specified sexual battery offenses if the victim is 16 years of age or older; providing applicability; amending s. 847.0141, F.S.; removing the court’s discretion to impose a specified penalty for a first violation of sexting; requiring a minor cited for a first violation to sign and accept a citation to appear before juvenile court or, in lieu of appearing in court, to complete community service work, pay a civil penalty, or participate in a cyber-safety program within a certain period of time, if such program is locally available; requiring the citation to be in a form prescribed by the issuing law enforcement agency; requiring such citation to include certain information; authorizing a court to order certain penalties under certain circumstances; authorizing a court to order specified additional penalties in certain circumstances; authorizing a law enforcement officer to issue a civil citation in lieu of criminal penalties; prohibiting the court from imposing incarceration; specifying that all court records and any information obtained or produced are confidential; providing retroactive application of confidentiality provisions for certain violations; conforming provisions to changes made by

the act; requiring that a specified percentage of civil penalties received by a juvenile court be remitted by the clerk of court to the county commission to provide cyber-safety training for minors; requiring that the remaining percentage remain with the clerk of the court to cover administrative costs; amending s. 948.11, F.S.; authorizing the Department of Corrections or a local law enforcement agency to electronically monitor an offender under specified circumstances; amending s. 985.0301, F.S.; creating exclusive original jurisdiction in the circuit court when a child is alleged to have committed a noncriminal violation that is assigned to juvenile court; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for SB 1270**, pursuant to Rule 3.11(3), there being no objection, **CS for HB 133** was withdrawn from the Committees on Criminal Justice; Appropriations Subcommittee on Criminal and Civil Justice; and Fiscal Policy.

On motion by Senator Soto, the rules were waived and—

CS for HB 133—A bill to be entitled An act relating to sexual offenses; providing a short title; amending s. 775.15, F.S.; revising time limitations for the criminal prosecution of specified sexual battery offenses if the victim is 16 years of age or older; providing applicability; providing an effective date.

—a companion measure, was substituted for **CS for SB 1270** and read the second time by title.

Senator Soto moved the following amendment:

Amendment 1 (142782) (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. *This act may be cited as the “43 Days Initiative Act.”*

Section 2. Subsection (4) of section 741.31, Florida Statutes, is amended to read:

741.31 Violation of an injunction for protection against domestic violence.—

(4)(a) A person who willfully violates an injunction for protection against domestic violence issued pursuant to s. 741.30, or a foreign protection order accorded full faith and credit pursuant to s. 741.315, by:

1. Refusing to vacate the dwelling that the parties share;
2. Going to, or being within 500 feet of, the petitioner’s residence, school, place of employment, or a specified place frequented regularly by the petitioner and any named family or household member;
3. Committing an act of domestic violence against the petitioner;
4. Committing any other violation of the injunction through an intentional unlawful threat, word, or act to do violence to the petitioner;
5. Telephoning, contacting, or otherwise communicating with the petitioner directly or indirectly, unless the injunction specifically allows indirect contact through a third party;
6. Knowingly and intentionally coming within 100 feet of the petitioner’s motor vehicle, whether or not that vehicle is occupied;
7. Defacing or destroying the petitioner’s personal property, including the petitioner’s motor vehicle; or
8. Refusing to surrender firearms or ammunition if ordered to do so by the court

commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, *except as provided in paragraph (c).*

(b)1. It is a violation of s. 790.233, and a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, for a person to violate a final injunction for protection against domestic violence by having in his or her care, custody, possession, or control any firearm or ammunition.

2. It is the intent of the Legislature that the disabilities regarding possession of firearms and ammunition are consistent with federal law. Accordingly, this paragraph shall not apply to a state or local officer as defined in s. 943.10(14), holding an active certification, who receives or possesses a firearm or ammunition for use in performing official duties on behalf of the officer's employing agency, unless otherwise prohibited by the employing agency.

(c) *A person who has two or more prior convictions for violation of an injunction and who commits any third or subsequent violation commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. For purposes of this paragraph, the term "conviction" means a determination of guilt that is the result of a plea or a trial, regardless of whether adjudication is withheld or a plea of nolo contendere is entered.*

Section 3. Section 784.047, Florida Statutes, is amended to read:

784.047 Penalties for violating protective injunction against violators.—

(1) A person who willfully violates an injunction for protection against repeat violence, sexual violence, or dating violence, issued pursuant to s. 784.046, or a foreign protection order accorded full faith and credit pursuant to s. 741.315 by:

- (a)(1) Refusing to vacate the dwelling that the parties share;
- (b)(2) Going to, or being within 500 feet of, the petitioner's residence, school, place of employment, or a specified place frequented regularly by the petitioner and any named family or household member;
- (c)(3) Committing an act of repeat violence, sexual violence, or dating violence against the petitioner;
- (d)(4) Committing any other violation of the injunction through an intentional unlawful threat, word, or act to do violence to the petitioner;
- (e)(5) Telephoning, contacting, or otherwise communicating with the petitioner directly or indirectly, unless the injunction specifically allows indirect contact through a third party;
- (f)(6) Knowingly and intentionally coming within 100 feet of the petitioner's motor vehicle, whether or not that vehicle is occupied;
- (g)(7) Defacing or destroying the petitioner's personal property, including the petitioner's motor vehicle; or
- (h)(8) Refusing to surrender firearms or ammunition if ordered to do so by the court,

commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, *except as provided in subsection (2).*

(2) *A person who has two or more prior convictions for violation of an injunction and who commits any third or subsequent violation commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. For purposes of this subsection, the term "conviction" means a determination of guilt that is the result of a plea or a trial, regardless of whether adjudication is withheld or a plea of nolo contendere is entered.*

Section 4. Subsection (4) of section 784.0487, Florida Statutes, is amended to read:

784.0487 Violation of an injunction for protection against stalking or cyberstalking.—

(4)(a) A person who willfully violates an injunction for protection against stalking or cyberstalking issued pursuant to s. 784.0485, or a foreign protection order accorded full faith and credit pursuant to s. 741.315, by:

- 1.(a) Going to, or being within 500 feet of, the petitioner's residence, school, place of employment, or a specified place frequented regularly by the petitioner and any named family members or individuals closely associated with the petitioner;
- 2.(b) Committing an act of stalking against the petitioner;

3.(e) Committing any other violation of the injunction through an intentional unlawful threat, word, or act to do violence to the petitioner;

4.(d) Telephoning, contacting, or otherwise communicating with the petitioner, directly or indirectly, unless the injunction specifically allows indirect contact through a third party;

5.(e) Knowingly and intentionally coming within 100 feet of the petitioner's motor vehicle, whether or not that vehicle is occupied;

6.(f) Defacing or destroying the petitioner's personal property, including the petitioner's motor vehicle; or

7.(g) Refusing to surrender firearms or ammunition if ordered to do so by the court,

commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, *except as provided in paragraph (b).*

(b) *A person who has two or more prior convictions for violation of an injunction and who commits any third or subsequent violation commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. For purposes of this paragraph, the term "conviction" means a determination of guilt that is the result of a plea or a trial, regardless of whether adjudication is withheld or a plea of nolo contendere is entered.*

Section 5. Paragraph (b) of subsection (13) of section 775.15, Florida Statutes, is republished, and subsection (14) of that section is amended, to read:

775.15 Time limitations; general time limitations; exceptions.—

(13)

(b) If the offense is a first degree felony violation of s. 794.011 and the victim was under 18 years of age at the time the offense was committed, a prosecution of the offense may be commenced at any time. This paragraph applies to any such offense except an offense the prosecution of which would have been barred by subsection (2) on or before October 1, 2003.

(14)(a) A prosecution for a first or second degree felony violation of s. 794.011, if the victim is 16 ~~18~~ years of age or older at the time of the offense and the offense is reported to a law enforcement agency within 72 hours after commission of the offense, may be commenced at any time. ~~If the offense is not reported within 72 hours after the commission of the offense, the prosecution must be commenced within the time periods prescribed in subsection (2).~~

(b) *Except as provided in paragraph (a) or paragraph (13)(b), a prosecution for a first or second degree felony violation of s. 794.011, if the victim is 16 years of age or older at the time of the offense, must be commenced within 6 years after the violation is committed. This paragraph applies to any such offense except an offense the prosecution of which would have been barred by subsection (2) on or before July 1, 2015.*

Section 6. Subsections (3) and (5) of section 847.0141, Florida Statutes, are amended, and subsection (6) is added to that section, to read:

847.0141 Sexting; prohibited acts; penalties.—

(3) A minor who violates subsection (1):

(a) ~~Commits a noncriminal violation for a first violation, punishable by 8 hours of community service or, if ordered by the court in lieu of community service, a \$60 fine. The court may also order the minor to participate in suitable training or instruction in lieu of, or in addition to, community service or a fine. The minor must sign and accept a citation indicating a promise to appear before the juvenile court. In lieu of appearing in court, the minor may complete 8 hours of community service work, pay a \$60 civil penalty, or participate in a cyber-safety program if such a program is locally available. The minor must satisfy any penalty within 30 days after receipt of the citation.~~

1. A citation issued to a minor under this subsection must be in a form prescribed by the issuing law enforcement agency, must be signed by the minor, and must contain all of the following:

- a. The date and time of issuance.
- b. The name and address of the minor to whom the citation is issued.
- c. A thumbprint of the minor to whom the citation is issued.
- d. Identification of the noncriminal violation and the time it was committed.
- e. The facts constituting reasonable cause.
- f. The specific section of law violated.
- g. The name and authority of the citing officer.
- h. The procedures that the minor must follow to contest the citation, perform the required community service, pay the civil penalty, and participate in a cyber-safety program.

2. If the citation is contested and the court determines that the minor committed a noncriminal violation under this section, the court may order the minor to perform 8 hours of community service, pay a \$60 civil penalty, or participate in a cyber-safety program, or any combination thereof.

3. A minor who fails to comply with the citation waives his or her right to contest it, and the court may impose any of the penalties identified in subparagraph 2. or issue an order to show cause. Upon a finding of contempt, the court may impose additional age-appropriate penalties, which may include issuance of an order to the Department of Highway Safety and Motor Vehicles to withhold issuance of, or suspend the driver license or driving privilege of, the minor for 30 consecutive days. However, the court may not impose incarceration.

(b) Commits a misdemeanor of the first degree for a violation that occurs after the minor has been ~~being~~ found to have committed a noncriminal violation for sexting or has satisfied the penalty imposed in lieu of a court appearance as provided in paragraph (a), punishable as provided in s. 775.082 or s. 775.083, unless a law enforcement officer elects to issue a civil citation as provided in paragraph (3)(a).

(c) Commits a felony of the third degree for a violation that occurs after the minor has been ~~being~~ found to have committed a misdemeanor of the first degree for sexting, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(5) As used in this section, the term “found to have committed” means a determination of guilt that is the result of a plea or trial, or a finding of delinquency that is the result of a plea or an adjudicatory hearing, regardless of whether adjudication is withheld.

(6) Eighty percent of all civil penalties received by a juvenile court pursuant to this section shall be remitted by the clerk of the court to the county commission to provide training on cyber-safety for minors. The remaining 20 percent shall remain with the clerk of the court to defray administrative costs.

Section 7. Subsection (1) of section 948.11, Florida Statutes, is amended to read:

948.11 Electronic monitoring devices.—

(1) The Department of Corrections or a local law enforcement agency may, ~~at its discretion,~~ electronically monitor an offender sentenced to community control or ordered to comply with house arrest who is wearing electronic monitoring equipment as a condition of bond or pretrial release or who is otherwise wearing electronic monitoring equipment pursuant to a court order for a protective injunction issued for domestic violence as defined in s. 741.30; repeat violence, sexual violence, or dating violence, as defined in s. 784.046; or a stalking injunction as defined in s. 784.048.

Section 8. Subsection (1) of section 985.0301, Florida Statutes, is amended to read:

985.0301 Jurisdiction.—

(1) The circuit court has exclusive original jurisdiction of proceedings in which a child is alleged to have committed:

- (a) ~~to have committed~~ A delinquent act or violation of law.

- (b) A noncriminal violation that has been assigned to juvenile court by law.

Section 9. This act shall take effect July 1, 2015.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to criminal justice; providing a short title; amending ss. 741.31, 784.047, and 784.0487, F.S.; providing enhanced criminal penalties for a third or subsequent violation of an injunction for protection against specified acts of violence or a foreign protection order issued under specified provisions; amending s. 775.15, F.S.; revising time limitations for the criminal prosecution of specified sexual battery offenses if the victim is 16 years of age or older; providing applicability; amending s. 847.0141, F.S.; removing the court’s discretion to impose a specified penalty for a first violation of sexting; requiring a minor cited for a first violation to sign and accept a citation to appear before juvenile court or, in lieu of appearing in court, to complete community service work, pay a civil penalty, or participate in a cyber-safety program within a certain period of time, if such program is locally available; requiring the citation to be in a form prescribed by the issuing law enforcement agency; requiring such citation to include certain information; authorizing a court to order certain penalties under certain circumstances; authorizing a court to order specified additional penalties in certain circumstances; authorizing a law enforcement officer to issue a civil citation in lieu of criminal penalties; prohibiting the court from imposing incarceration; conforming provisions to changes made by the act; requiring that a specified percentage of civil penalties received by a juvenile court be remitted by the clerk of court to the county commission to provide cyber-safety training for minors; requiring that the remaining percentage remain with the clerk of the court to cover administrative costs; amending s. 948.11, F.S.; authorizing the Department of Corrections or a local law enforcement agency to electronically monitor an offender under specified circumstances; amending s. 985.0301, F.S.; creating exclusive original jurisdiction in the circuit court when a child is alleged to have committed a noncriminal violation that is assigned to juvenile court; providing an effective date.

Pursuant to Rule 7.1(1), there being no objection, consideration of the following late-filed amendment was allowed:

Senator Soto moved the following amendment to **Amendment 1 (142782)** which was adopted:

Amendment 1A (155464)—Delete line 165 and insert: *older at the time of the offense, must be commenced within 8*

Amendment 1 (142782) as amended was adopted.

Pursuant to Rule 4.19, **CS for HB 133**, as amended, was placed on the calendar of Bills on Third Reading.

CS for CS for SB 1224—A bill to be entitled An act relating to health care representatives; amending s. 743.0645, F.S.; conforming provisions to changes made by the act; amending s. 765.101, F.S.; defining terms for purposes of provisions relating to health care advanced directives; revising definitions to conform to changes made by the act; amending s. 765.102, F.S.; revising legislative intent to include reference to surrogate authority that is not dependent on a determination of incapacity; amending s. 765.104, F.S.; conforming provisions to changes made by the act; amending s. 765.105, F.S.; conforming provisions to changes made by the act; providing an exception for a patient who has designated a surrogate to make health care decisions and receive health information without a determination of incapacity being required; amending ss. 765.1103 and 765.1105, F.S.; conforming provisions to changes made by the act; amending s. 765.202, F.S.; revising provisions relating to the designation of health care surrogates; amending s. 765.203, F.S.; revising the suggested form for designation of a health care surrogate; creating s. 765.2035, F.S.; providing for the designation of health care surrogates for minors; providing for designation of an alternate surrogate; providing for decisionmaking if neither the designated surrogate nor the designated alternate surrogate is willing, able, or reasonably available to make health care decisions for the minor on behalf of the minor’s principal; authorizing designation of a separate surrogate to consent to mental health treatment for a minor; providing that the health care surrogate authorized to make health care decisions for a

minor is also the minor's principal's choice to make decisions regarding mental health treatment for the minor unless provided otherwise; providing that a written designation of a health care surrogate establishes a rebuttable presumption of clear and convincing evidence of the minor's principal's designation of the surrogate; creating s. 765.2038, F.S.; providing a suggested form for the designation of a health care surrogate for a minor; amending s. 765.204, F.S.; conforming provisions to changes made by the act; providing for notification of incapacity of a principal; providing that a health care provider may justifiably rely on decisions made by a surrogate; providing for when there are conflicting decisions between surrogate and patient; amending ss. 765.205, 765.302, 765.303, 765.304, 765.306, 765.404, and 765.516, F.S.; conforming provisions to changes made by the act; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **CS for CS for SB 1224** to **CS for CS for CS for HB 889**.

Pending further consideration of **CS for CS for SB 1224** as amended, pursuant to Rule 3.11(3), there being no objection, **CS for CS for CS for HB 889** was withdrawn from the Committees on Judiciary; Health Policy; and Rules.

On motion by Senator Joyner—

CS for CS for CS for HB 889—A bill to be entitled An act relating to health care representatives; amending s. 743.0645, F.S.; conforming provisions to changes made by the act; amending s. 765.101, F.S.; defining terms for purposes of provisions relating to health care advanced directives; revising definitions to conform to changes made by the act; amending s. 765.102, F.S.; revising legislative intent to include reference to surrogate authority that is not dependent on a determination of incapacity; amending s. 765.104, F.S.; conforming provisions to changes made by the act; amending s. 765.105, F.S.; conforming provisions to changes made by the act; providing an exception for a patient who has designated a surrogate to make health care decisions and receive health information without a determination of incapacity being required; amending ss. 765.1103 and 765.1105, F.S.; conforming provisions to changes made by the act; amending s. 765.202, F.S.; revising provisions relating to the designation of health care surrogates; amending s. 765.203, F.S.; revising the suggested form for designation of a health care surrogate; creating s. 765.2035, F.S.; providing for the designation of health care surrogates for minors; providing for designation of an alternate surrogate; providing for decisionmaking if neither the designated surrogate nor the designated alternate surrogate is willing, able, or reasonably available to make health care decisions for the minor on behalf of the minor's principal; authorizing designation of a separate surrogate to consent to mental health treatment for a minor; providing that the health care surrogate authorized to make health care decisions for a minor is also the minor's principal's choice to make decisions regarding mental health treatment for the minor unless provided otherwise; providing that a written designation of a health care surrogate establishes a rebuttable presumption of clear and convincing evidence of the minor's principal's designation of the surrogate; creating s. 765.2038, F.S.; providing a suggested form for the designation of a health care surrogate for a minor; amending s. 765.204, F.S.; specifying that a principal's wishes are controlling while he or she has decisionmaking capacity; providing a duty for providers to communicate to such a principal; conforming provisions to changes made by the act; providing for notification of incapacity of a principal; providing that a health care provider may justifiably rely on decisions made by a surrogate; providing for situations when there are conflicting decisions between surrogate and patient; amending s. 765.205, F.S.; conforming provisions to changes made by the act; amending ss. 765.302, 765.303, 765.304, 765.306, 765.404, and 765.516, F.S.; conforming provisions to changes made by the act; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 1224** as amended and read the second time by title.

Pursuant to Rule 4.19, **CS for CS for CS for HB 889** was placed on the calendar of Bills on Third Reading.

CS for CS for SB 1304—A bill to be entitled An act relating to inspectors general; amending s. 14.32, F.S.; authorizing the Chief Inspector General or his or her designee to retain legal counsel and issue

and enforce subpoenas under certain circumstances; amending s. 20.055, F.S.; revising the definitions of the terms "agency head" and "state agency" to include the Office of Early Learning of the Department of Education; prescribing additional hiring requirements, employment qualifications, and terms of employment for inspectors general and staff of the office of inspector general; establishing the duty of specified persons and entities with respect to cooperation with an inspector general's official duties; requiring contracts and other specified documents to contain a statement regarding compliance with an inspector general's official duties; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for CS for SB 1304**, pursuant to Rule 3.11(3), there being no objection, **CS for CS for CS for HB 371** was withdrawn from the Committees on Governmental Oversight and Accountability; Appropriations Subcommittee on General Government; and Fiscal Policy.

On motion by Senator Latvala—

CS for CS for CS for HB 371—A bill to be entitled An act relating to agency inspectors general; amending s. 20.055, F.S.; revising definitions; providing additional hiring requirements, employment qualifications, and terms of employment for inspectors general and staff; establishing the duty of specified persons and entities with respect to cooperation with an inspector general's official duties; requiring contracts and other specified documents to contain a statement regarding compliance with an inspector general's official duties; amending s. 14.32, F.S.; authorizing the Chief Inspector General to retain legal counsel and issue and enforce subpoenas under certain circumstances; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 1304** and read the second time by title.

Pursuant to Rule 4.19, **CS for CS for CS for HB 371** was placed on the calendar of Bills on Third Reading.

CS for CS for SB 1306—A bill to be entitled An act relating to insurance fraud; repealing s. 400.993, F.S., relating to criminal penalties applicable to unlicensed health care clinics and the reporting of unlicensed health care clinics; amending s. 400.9935, F.S.; revising provisions related to unlawful, noncompensable, and unenforceable health care clinic charges or reimbursement claims; revising and providing criminal penalties for making unlawful charges, operating or failing to report an unlicensed clinic, filing false or misleading information related to a clinic license application, and other violations; defining the term "convicted"; amending s. 626.9894, F.S.; conforming provisions to changes made by the act; repealing s. 626.9895, F.S., relating to the establishment of a motor vehicle insurance fraud direct-support organization; amending s. 921.0022, F.S.; conforming provisions of the offense severity ranking chart of the Criminal Punishment Code to changes made by the act; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for CS for SB 1306**, pursuant to Rule 3.11(3), there being no objection, **CS for CS for HB 1127** was withdrawn from the Committees on Banking and Insurance; Criminal Justice; and Appropriations.

On motion by Senator Bradley—

CS for CS for HB 1127—A bill to be entitled An act relating to insurance fraud; repealing s. 400.993, F.S., relating to criminal penalties applicable to unlicensed health care clinics and the reporting of unlicensed health care clinics; amending s. 400.9935, F.S.; revising provisions related to unlawful, noncompensable, and unenforceable health care clinic charges or reimbursement claims; revising and providing criminal penalties for making unlawful charges, operating or failing to report an unlicensed clinic, filing false or misleading information related to a clinic license application, and other violations; defining the term "convicted"; amending s. 626.9894, F.S.; conforming provisions to changes made by the act; repealing s. 626.9895, F.S., relating to the establishment of a motor vehicle insurance fraud direct-support organization; amending s. 921.0022, F.S.; conforming provisions of the offense severity

ranking chart of the Criminal Punishment Code to changes made by the act; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 1306** and read the second time by title.

Pursuant to Rule 4.19, **CS for CS for HB 1127** was placed on the calendar of Bills on Third Reading.

CS for CS for SB 1126—A bill to be entitled An act relating to continuing care communities; amending s. 651.055, F.S.; revising requirements for continuing care contracts; amending s. 651.028, F.S.; revising authority of the Office of Insurance Regulation to waive requirements for accredited facilities; amending s. 651.071, F.S.; revising the subordination of continuing care and continuing care at-home contracts that are deemed preferred claims in receivership or liquidation proceedings; amending s. 651.105, F.S.; revising notice requirements; revising duties of the office; requiring an agent of a provider to provide a copy of an examination report and corrective action plan under certain conditions; amending s. 651.081, F.S.; requiring a residents' council to provide a forum for certain purposes; requiring a residents' council to adopt its own bylaws and governance documents; amending s. 651.085, F.S.; revising provisions relating to quarterly meetings between residents and the governing body of the provider; revising powers of the residents' council; amending s. 651.091, F.S.; revising continuing care facility reporting requirements; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for CS for SB 1126**, pursuant to Rule 3.11(3), there being no objection, **CS for HB 749** was withdrawn from the Committees on Banking and Insurance; Appropriations Subcommittee on General Government; and Fiscal Policy.

On motion by Senator Altman—

CS for HB 749—A bill to be entitled An act relating to continuing care communities; amending s. 651.055, F.S.; revising requirements for continuing care contracts; amending s. 651.028, F.S.; revising authority of the Office of Insurance Regulation to waive requirements for accredited facilities; amending s. 651.071, F.S.; providing that continuing care and continuing care at-home contracts are preferred claims subject to a secured claim in the event of liquidation or receivership proceedings against a provider; revising subordination of claims; amending s. 651.105, F.S.; revising notice requirements; revising duties of the office; requiring an agent of a provider to provide a copy of an examination report and corrective action plan under certain conditions; amending s. 651.081, F.S.; requiring a residents' council to provide a forum for certain purposes; requiring a residents' council to adopt its own bylaws and governance documents under certain conditions; amending s. 651.085, F.S.; revising provisions relating to quarterly meetings between residents and the governing body of the provider; revising powers of the residents' council; amending s. 651.091, F.S.; revising continuing care facility reporting requirements; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 1126** and read the second time by title.

Pursuant to Rule 4.19, **CS for HB 749** was placed on the calendar of Bills on Third Reading.

SB 732—A bill to be entitled An act relating to sentencing; amending s. 775.089, F.S.; revising the definition of the term “victim” to include governmental entities and political subdivisions in certain instances; creating ss. 838.23 and 839.27, F.S.; requiring the sentencing judge to order restitution and a specified number of community service work hours for violations of chapter 838, F.S., relating to bribery and misuse of public office, or chapter 839, F.S., relating to offenses by public officers and employees; providing an effective date.

—was read the second time by title.

Pending further consideration of **SB 732**, pursuant to Rule 3.11(3), there being no objection, **HB 115** was withdrawn from the Committees on Criminal Justice; Judiciary; and Fiscal Policy.

On motion by Senator Abruzzo—

HB 115—A bill to be entitled An act relating to sentencing; amending s. 775.089, F.S.; revising the definition of the term “victim” to include governmental entities and political subdivisions in certain instances; creating ss. 838.23 and 839.27, F.S.; requiring the sentencing judge to order restitution and a specified number of community service work hours for violations of chapter 838, F.S., relating to bribery and misuse of public office, or chapter 839, F.S., relating to offenses by public officers and employees; providing an effective date.

—a companion measure, was substituted for **SB 732** and read the second time by title.

Pursuant to Rule 4.19, **HB 115** was placed on the calendar of Bills on Third Reading.

CS for SB 240—A bill to be entitled An act relating to driver licenses and identification cards; amending ss. 322.051 and 322.08, F.S.; providing for the Department of Highway Safety and Motor Vehicles to accept a military identification card to meet certain requirements for issuance of an identification card or a driver license, respectively; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for SB 240**, pursuant to Rule 3.11(3), there being no objection, **CS for HB 27** was withdrawn from the Committees on Transportation; Appropriations Subcommittee on Transportation, Tourism, and Economic Development; and Rules.

On motion by Senator Brandes—

CS for HB 27—A bill to be entitled An act relating to driver licenses and identification cards; amending ss. 322.051, 322.08, and 322.14, F.S.; providing for the Department of Highway Safety and Motor Vehicles to accept a military identification card to meet certain requirements for the issuance of a driver license or identification card; authorizing the word “Veteran” to be exhibited on the driver license or identification card of a veteran; providing applicability; providing an effective date.

—a companion measure, was substituted for **CS for SB 240** and read the second time by title.

Pursuant to Rule 4.19, **CS for HB 27** was placed on the calendar of Bills on Third Reading.

CS for CS for SB 326—A bill to be entitled An act relating to substance abuse services; amending s. 397.311, F.S.; providing definitions; conforming a cross-reference; creating s. 397.487, F.S.; providing legislative findings and intent; requiring the Department of Children and Families to create a voluntary certification program for recovery residences; directing the department to approve at least one credentialing entity by a specified date to develop and administer the certification program; requiring an approved credentialing entity to establish procedures for certifying recovery residences that meet certain qualifications; requiring an approved credentialing entity to establish certain fees; requiring a credentialing entity to conduct onsite inspections of a recovery residence; requiring background screening of owners, directors, and chief financial officers of a recovery residence; providing for denial, suspension, or revocation of certification; providing a criminal penalty for falsely advertising a recovery residence as a “certified recovery residence”; creating s. 397.4871, F.S.; providing legislative intent; requiring the department to create a voluntary certification program for recovery residence administrators; directing the department to approve at least one credentialing entity by a specified date to develop and administer the certification program; requiring an approved credentialing entity to establish a process for certifying recovery residence administrators who meet certain qualifications; requiring an approved credentialing entity to establish certain fees; requiring background screening of applicants for recovery residence administrator certification; providing for suspension or revocation of certification; providing a criminal penalty for falsely advertising oneself as a “certified recovery residence administrator”; prohibiting a certified recovery residence administrator from managing more than three recovery residences at any given time; creating s. 397.4872, F.S.; providing exemptions from disqualifying offenses; re-

quiring credentialing entities to provide the department with a list of all certified recovery residences and recovery residence administrators by a date certain; requiring the department to publish the list on its website; allowing recovery residences and recovery residence administrators to be excluded from the list upon written request to the department; amending s. 397.407, F.S.; providing conditions for a licensed service provider to refer patients to a certified recovery residence or a recovery residence owned and operated by the licensed service provider; defining the term “refer”; conforming cross-references; amending ss. 212.055, 394.9085, 397.405, 397.416, and 440.102, F.S.; conforming cross-references; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for CS for SB 326**, pursuant to Rule 3.11(3), there being no objection, **CS for CS for HB 21** was withdrawn from the Committees on Children, Families, and Elder Affairs; Appropriations Subcommittee on Health and Human Services; and Appropriations.

On motion by Senator Clemens—

CS for CS for HB 21—A bill to be entitled An act relating to substance abuse services; amending s. 397.311, F.S.; providing definitions; conforming a cross-reference; creating s. 397.487, F.S.; providing legislative findings and intent; requiring the Department of Children and Families to create a voluntary certification program for recovery residences; directing the department to approve at least one credentialing entity by a specified date to develop and administer the certification program; requiring an approved credentialing entity to establish procedures for certifying recovery residences that meet certain qualifications; requiring an approved credentialing entity to establish certain fees; requiring a credentialing entity to conduct onsite inspections of a recovery residence; requiring background screening of owners, directors, and chief financial officers of a recovery residence; providing for denial, suspension, or revocation of certification; providing a criminal penalty for falsely advertising a recovery residence as a “certified recovery residence”; creating s. 397.4871, F.S.; providing legislative intent; requiring the department to create a voluntary certification program for recovery residence administrators; directing the department to approve at least one credentialing entity by a specified date to develop and administer the certification program; requiring an approved credentialing entity to establish a process for certifying recovery residence administrators who meet certain qualifications; requiring an approved credentialing entity to establish certain fees; requiring background screening of applicants for recovery residence administrator certification; providing for suspension or revocation of certification; providing a criminal penalty for falsely advertising oneself as a “certified recovery residence administrator”; creating s. 397.4872, F.S.; providing exemptions from disqualifying offenses; requiring credentialing entities to provide the department with a list of all certified recovery residences and recovery residence administrators by a date certain; requiring the department to publish the list on its website; allowing recovery residences and recovery residence administrators to be excluded from the list upon written request to the department; amending s. 397.407, F.S.; providing conditions for a licensed service provider to refer patients to a certified recovery residence or a recovery residence owned and operated by the licensed service provider; defining the term “refer”; amending ss. 212.055, 394.9085, 397.405, 397.416, and 440.102, F.S.; conforming cross-references; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 326** and read the second time by title.

Pursuant to Rule 4.19, **CS for CS for HB 21** was placed on the calendar of Bills on Third Reading.

SB 434—A bill to be entitled An act relating to public libraries; amending s. 257.015, F.S.; defining the terms “depository library” and “state publication”; amending s. 257.02, F.S.; revising the composition and duties of the State Library Council; amending s. 257.04, F.S.; revising the powers and duties of the Division of Library and Information Services of the Department of State; requiring the division to coordinate with the Division of Blind Services of the Department of Education to provide certain services; authorizing the division to issue electronic information; amending s. 257.05, F.S.; providing legislative findings; revising provisions regarding the delivery and distribution of publications;

requiring specified entities in state government to designate a state publications liaison; removing the definition of the term “public document”; revising the duties of the division with respect to the management of the State Publications Program; amending s. 257.36, F.S.; removing a provision requiring the division to provide a centralized microfilming program for state agencies; amending ss. 257.105, 283.31, and 286.001, F.S.; conforming provisions to changes made by the act; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **SB 434** to **HB 553**.

Pending further consideration of **SB 434** as amended, pursuant to Rule 3.11(3), there being no objection, **HB 553** was withdrawn from the Committees on Governmental Oversight and Accountability; Appropriations Subcommittee on Transportation, Tourism, and Economic Development; and Appropriations.

On motion by Senator Detert—

HB 553—A bill to be entitled An act relating to public libraries; amending s. 257.015, F.S.; defining the terms “depository library” and “state publication”; amending s. 257.02, F.S.; revising the composition and duties of the State Library Council; amending s. 257.04, F.S.; revising the powers and duties of the Division of Library and Information Services of the Department of State; requiring the division to coordinate with the Division of Blind Services of the Department of Education to provide certain services; authorizing the division to issue electronic information; amending s. 257.05, F.S.; providing legislative findings; revising provisions regarding the delivery and distribution of publications; requiring specified entities in state government to designate a state publications liaison; removing the definition of the term “public document”; revising the duties of the division with respect to the management of the State Publications Program; amending s. 257.36, F.S.; removing a provision requiring the division to provide a centralized microfilming program for state agencies; amending ss. 257.105, 283.31, and 286.001, F.S.; conforming provisions to changes made by the act; providing an effective date.

—a companion measure, was substituted for **SB 434** as amended and read the second time by title.

Pursuant to Rule 4.19, **HB 553** was placed on the calendar of Bills on Third Reading.

CS for CS for SB 524—A bill to be entitled An act relating to rental agreements; creating s. 83.561, F.S.; providing that a purchaser takes title to a tenant-occupied residential property following a foreclosure sale subject to the rights of the tenant; specifying the rights of the tenant; authorizing a tenant to remain in possession of the property for 30 days following receipt of a written notice; prescribing the form for a 30-day notice of termination; establishing requirements for delivery of the notice; authorizing a purchaser to apply for a writ of possession if the tenant refuses to vacate the property; providing exceptions; providing for construction; providing that a lender foreclosing on tenant-occupied residential premises does not assume the obligations of a landlord unless certain conditions are met; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for CS for SB 524**, pursuant to Rule 3.11(3), there being no objection, **CS for CS for HB 779** was withdrawn from the Committees on Judiciary; Banking and Insurance; and Rules.

On motion by Senator Soto—

CS for CS for HB 779—A bill to be entitled An act relating to rental agreements; creating s. 83.561, F.S.; providing that a purchaser taking title to a tenant-occupied residential property following a foreclosure sale takes title to the property, subject to the rights of the tenant; specifying the rights of the tenant; authorizing a tenant to remain in possession of the property for 30 days following receipt of written notice; prescribing the form for a 30-day notice of termination; establishing requirements for delivery of the notice; authorizing a purchaser to apply

for a writ of possession if a tenant refuses to vacate the property; providing exceptions; providing for construction; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 524** and read the second time by title.

Pursuant to Rule 4.19, **CS for CS for HB 779** was placed on the calendar of Bills on Third Reading.

CS for CS for SB 282—A bill to be entitled An act relating to tracking devices or tracking applications; creating s. 934.425, F.S.; defining terms; prohibiting the installation of a tracking device or tracking application without a person's consent; creating a presumption that consent is revoked upon initiation of specified proceedings; providing exceptions to the prohibition on installation of tracking devices or tracking applications; providing criminal penalties; amending s. 493.6118, F.S.; providing that violations of the prohibition on installation of tracking devices or tracking applications by private investigative, private security, and repossession services are grounds for disciplinary action, to which penalties apply; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for CS for SB 282**, pursuant to Rule 3.11(3), there being no objection, **CS for CS for HB 197** was withdrawn from the Committees on Criminal Justice; Appropriations Subcommittee on Criminal and Civil Justice; and Rules.

On motion by Senator Hukill—

CS for CS for HB 197—A bill to be entitled An act relating to tracking devices or tracking applications; creating s. 934.425, F.S.; providing definitions; prohibiting the installation of a tracking device or tracking application without the person's consent; creating a presumption that consent is revoked upon initiation of specified proceedings; providing exceptions; providing criminal penalties; amending s. 493.6118, F.S.; providing that violations of the prohibition on installation of tracking devices and tracking applications by private investigative, private security, and repossession services are grounds for disciplinary action, to which penalties apply; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 282** and read the second time by title.

Pursuant to Rule 4.19, **CS for CS for HB 197** was placed on the calendar of Bills on Third Reading.

SB 164—A bill to be entitled An act relating to the Crime Stoppers Trust Fund; amending s. 16.555, F.S.; authorizing a county that is awarded a grant from the trust fund to use such funds for the purchase and distribution of promotional items; making technical changes; providing an effective date.

—was read the second time by title.

Pending further consideration of **SB 164**, pursuant to Rule 3.11(3), there being no objection, **HB 193** was withdrawn from the Committees on Criminal Justice; Community Affairs; Appropriations Subcommittee on Criminal and Civil Justice; and Fiscal Policy.

On motion by Senator Bean—

HB 193—A bill to be entitled An act relating to the Crime Stoppers Trust Fund; amending s. 16.555, F.S.; authorizing a county that is awarded a grant from the trust fund to use such funds for the purchase and distribution of promotional items; making technical changes; providing an effective date.

—a companion measure, was substituted for **SB 164** and read the second time by title.

Pursuant to Rule 4.19, **HB 193** was placed on the calendar of Bills on Third Reading.

CS for SB 414—A bill to be entitled An act relating to service animals; amending s. 413.08, F.S.; providing and revising definitions; re-

quiring a public accommodation to permit use of a service animal by an individual with a disability under certain circumstances; prohibiting a public accommodation from inquiring about the nature or extent of an individual's disability; providing conditions for a public accommodation to exclude or remove a service animal; revising penalties for certain persons or entities who interfere with use of a service animal in specified circumstances; specifying that the act does not limit certain rights or remedies granted under federal or state law; providing a penalty for knowing and willful misrepresentation with respect to use or training of a service animal; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for SB 414**, pursuant to Rule 3.11(3), there being no objection, **CS for HB 71** was withdrawn from the Committees on Commerce and Tourism; Community Affairs; and Fiscal Policy.

On motion by Senator Altman—

CS for HB 71—A bill to be entitled An act relating to service animals; amending s. 413.08, F.S.; providing and revising definitions; requiring a public accommodation to permit use of a service animal by an individual with a disability under certain circumstances; providing conditions for a public accommodation to exclude or remove a service animal; revising penalties for certain persons or entities who interfere with use of a service animal in specified circumstances; providing a penalty for knowing and willful misrepresentation with respect to use or training of a service animal; providing an effective date.

—a companion measure, was substituted for **CS for SB 414** and read the second time by title.

Pursuant to Rule 4.19, **CS for HB 71** was placed on the calendar of Bills on Third Reading.

SB 956—A bill to be entitled An act relating to freight logistics zones; creating s. 311.103, F.S.; defining the term "freight logistics zone"; authorizing a county or two or more contiguous counties to designate a geographic area or areas within its jurisdiction as a freight logistics zone; requiring the adoption of a strategic plan which must include certain information; providing that certain projects within freight logistics zones may be eligible for priority in state funding and certain incentive programs; providing evaluation criteria for freight logistics zones; providing an effective date.

—was read the second time by title.

Pending further consideration of **SB 956**, pursuant to Rule 3.11(3), there being no objection, **HB 257** was withdrawn from the Committees on Community Affairs; Appropriations Subcommittee on Transportation, Tourism, and Economic Development; and Fiscal Policy.

On motion by Senator Simpson—

HB 257—A bill to be entitled An act relating to freight logistics zones; creating s. 311.103, F.S.; defining the term "freight logistics zone"; authorizing a county or two or more contiguous counties to designate a geographic area or areas within its jurisdiction as a freight logistics zone; requiring the adoption of a strategic plan which must include certain information; providing that certain projects within freight logistics zones may be eligible for priority in state funding and certain incentive programs; providing evaluation criteria for freight logistics zones; providing an effective date.

—a companion measure, was substituted for **SB 956** and read the second time by title.

Pursuant to Rule 4.19, **HB 257** was placed on the calendar of Bills on Third Reading.

CS for SB 1136—A bill to be entitled An act relating to title insurance; amending s. 631.401, F.S.; revising procedures and requirements relating to the recovery of assessments from title insurers through surcharges assessed on policies; revising provisions relating to surcharges collected in excess of the assessments paid by title insurers; revising requirements for the payment of excess surcharges to the In-

urance Regulatory Trust Fund; authorizing the Financial Services Commission and the Department of Financial Services to adopt rules for certain purposes; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for SB 1136**, pursuant to Rule 3.11(3), there being no objection, **CS for HB 927** was withdrawn from the Committees on Banking and Insurance; Appropriations Subcommittee on General Government; and Appropriations.

On motion by Senator Hukill—

CS for HB 927—A bill to be entitled An act relating to title insurance; amending s. 631.401, F.S.; revising procedures and requirements relating to the recovery of assessments from title insurers through surcharges assessed on policies; revising provisions relating to surcharges collected in excess of the assessments paid by title insurers; revising requirements for the payment of excess surcharges to the Insurance Regulatory Trust Fund; authorizing the Financial Services Commission to adopt rules for certain purposes; authorizing the Division of Rehabilitation and Liquidation to adopt rules for certain purposes; providing an effective date.

—a companion measure, was substituted for **CS for SB 1136** and read the second time by title.

Senator Hukill moved the following amendment which was adopted:

Amendment 1 (366320) (with title amendment)—Delete line 99 and insert:

(10) *The department may*

And the title is amended as follows:

Delete lines 10-13 and insert: authorizing the Financial Services Commission and the Department of Financial Services to adopt rules for certain purposes; providing an effective date.

Pursuant to Rule 4.19, **CS for HB 927**, as amended, was placed on the calendar of Bills on Third Reading.

MOTIONS

On motion by Senator Brandes, by two-thirds vote **SR 1664** was withdrawn from further consideration.

On motion by Senator Simmons, the rules were waived and **CS for SB 1248** was removed from the Special Order Calendar for Monday, April 27, 2015 and returned to the calendar of bills on second reading.

On motion by Senator Simmons, the rules were waived and the bills remaining on the Special Order Calendar this day were retained on the Special Order Calendar.

On motion by Senator Simmons, the rules were waived and **CS for SB 7068** was retained on the calendar of Bills on Third Reading.

REPORTS OF COMMITTEES

Pursuant to Rule 4.17(1), the Rules Chair, Majority Leader, and Minority Leader submit the following bills to be placed on the Special Order Calendar for Thursday, April 23, 2015: SM 1422, CS for CS for SB 1296, CS for SB 7078, CS for CS for SB 7070, CS for SB 7052, CS for SB 1170, CS for CS for SB 908, CS for SB 916, CS for SB 946, CS for SB 574, CS for SB 724, CS for CS for SB 600, CS for SB 686, CS for SB 792, CS for CS for CS for SB 748, CS for CS for CS for SB 390, CS for CS for CS for SB 288, CS for CS for SB 1222, CS for SB 476, SB 788, CS for CS for SB 680, CS for SB 1270, CS for CS for SB 1224, CS for CS for SB 1304, CS for CS for SB 1306, CS for CS for SB 1126, SB 732, CS for SB 240, CS for CS for SB 326, SB 434, CS for CS for SB 524, CS for CS for SB 282, SB 164, CS for SB 414, SB 956, CS for SB 1136.

Respectfully submitted,
David Simmons, Rules Chair
Bill Galvano, Majority Leader
Arthenia L. Joyner, Minority Leader

The Committee on Appropriations recommends the following pass: SB 1582

The bill was placed on the Calendar.

The Committee on Appropriations recommends committee substitutes for the following: CS for SB 34; CS for SB 284; CS for SB 318; CS for SB 714; CS for SB 948; CS for SB 1102; SB 1116; CS for SB 1264; SB 1468; SB 1522; CS for SB 1538; CS for SB 1552; CS for SB 7006

The bills with committee substitute attached were placed on the Calendar.

COMMITTEE SUBSTITUTES

FIRST READING

By the Committees on Appropriations; and Judiciary; and Senator Diaz de la Portilla—

CS for CS for SB 34—A bill to be entitled An act for the relief of Asia Rollins by the Public Health Trust of Miami-Dade County, d/b/a Jackson Memorial Hospital; providing an appropriation to compensate her for injuries and damages sustained as a result of the negligence of the Public Health Trust of Miami-Dade County; providing a limitation on the payment of fees and costs; providing an effective date.

By the Committees on Appropriations; and Environmental Preservation and Conservation; and Senator Diaz de la Portilla—

CS for CS for SB 284—A bill to be entitled An act relating to private property rights; amending s. 70.001, F.S.; revising the terms “property owner” and “real property”; authorizing a governmental entity to treat a written claim as pending litigation for purposes of holding certain meetings privately; providing that any settlement agreement reached between an owner and a governmental entity applies so long as the agreement resolves all issues; providing exceptions to the applicability of the Bert J. Harris, Jr., Private Property Rights Protection Act; creating s. 70.45, F.S.; defining terms; authorizing a property owner to bring an action to recover damages caused by a prohibited exaction; requiring a property owner to provide written notice of such action to the relevant governmental entity; authorizing the governmental entity to treat such a claim as pending litigation for purposes of holding certain meetings privately; specifying the burden of proof imposed on the governmental entity and the property owner, respectively, in such an action; authorizing the award of reasonable attorney fees and costs under specified circumstances; waiving the state’s sovereign immunity for certain causes of action; providing applicability; amending s. 70.80, F.S.; specifying that an action for a prohibited exaction is not to be construed in pari materia with certain other actions; providing an effective date.

By the Committees on Appropriations; and Judiciary; and Senators Diaz de la Portilla and Detert—

CS for CS for SB 318—A bill to be entitled An act relating to guardianship proceedings; amending s. 709.2105, F.S.; revising the qualifications of an agent in the execution of power of attorney to include certain not-for-profit corporations; providing criteria for such corporations; amending s. 709.2109, F.S.; requiring the filing of a motion before suspension of a power of attorney in proceedings to determine a principal’s incapacity or for appointment of a guardian advocate under certain circumstances; amending ss. 744.107 and 744.1075, F.S.; authorizing a court to appoint the office of criminal conflict and civil regional counsel as a court monitor in guardianship proceedings; amending s. 744.108, F.S.; providing that fees and costs incurred by an attorney appointed by a court or an attorney who has rendered services to a ward in compensation proceedings are payable from guardianship assets; providing that expert testimony is not required in proceedings to determine compensation for an attorney, a guardian, or a person employed by a guardian; requiring a person offering expert testimony to provide notice to interested persons; providing that reasonable expert witness fees are recoverable; amending s. 744.3025, F.S.; providing that a court may appoint a guardian ad litem to represent a minor if necessary to protect the minor’s interest in a settlement; providing that a settlement of a minor’s

claim is subject to certain confidentiality provisions; amending s. 744.3031, F.S.; requiring notice to an alleged incapacitated person and such person's attorney of a petition for appointment of an emergency temporary guardian before a hearing on the petition commences; providing an exception; prohibiting the final payment of the emergency temporary guardian fees and his or her attorney fees until the final report is filed; amending s. 744.309, F.S.; providing that a for-profit corporation may act as guardian of a person under certain circumstances; providing conditions; requiring the posting and maintenance of a fiduciary bond; limiting liability; requiring the corporation to maintain certain insurance coverage; providing for certain grandfathered guardianships; amending s. 744.3115, F.S.; directing the court to specify authority for health care decisions with respect to a ward's advance directive; amending s. 744.312, F.S.; requiring a court to consider the wishes of the ward's relatives when appointing a guardian; prohibiting a court from giving preference to the appointment of certain persons as guardians; providing requirements for the appointment of professional guardians; amending s. 744.3203, F.S.; providing grounds for filing a motion for suspension of a power of attorney before determination of incapacity; providing criteria for such motion; requiring a hearing under certain conditions; providing for the award of attorney fees and costs; amending s. 744.331, F.S.; directing the court to consider certain factors when determining incapacity; requiring that the examining committee be paid from state funds as court-appointed expert witnesses if a petition for incapacity is dismissed or denied; requiring that a petitioner reimburse the state for such expert witness fees if the court finds the petition to have been filed in bad faith; amending s. 744.344, F.S.; revising conditions under which the court is authorized to appoint an emergency temporary guardian; amending s. 744.345, F.S.; revising provisions relating to letters of guardianship; creating s. 744.359, F.S.; prohibiting abuse, neglect, or exploitation of a ward by a guardian; requiring reporting thereof to the Department of Children and Families central abuse hotline; providing for interpretation; amending s. 744.361, F.S.; providing additional powers and duties of a guardian; amending s. 744.367, F.S.; revising the period during which a guardian must file an annual guardianship plan with the court; amending s. 744.369, F.S.; providing for the continuance of a guardian's authority to act under an expired annual report under certain circumstances; amending s. 744.3715, F.S.; providing that an interested party may petition the court regarding a guardian's failure to comply with the duties of a guardian; amending s. 744.464, F.S.; establishing the burden of proof for determining restoration of capacity of a ward in pending guardianship cases; requiring a court to advance such cases on the calendar; providing applicability; providing an effective date.

By the Committees on Appropriations; and Environmental Preservation and Conservation; and Senators Grimsley and Gaetz—

CS for CS for SB 714—A bill to be entitled An act relating to environmental control; amending s. 20.255, F.S.; revising the organizational structure of the Department of Environmental Protection; amending s. 373.227, F.S.; prohibiting water management districts from modifying permitted allocation amounts under certain circumstances; requiring water management districts to adopt rules to promote water conservation incentives; amending s. 373.323, F.S.; revising eligibility requirements for taking the water well contractor licensure examination; amending s. 373.467, F.S.; revising the qualifications for membership on the Harris Chain of Lakes Restoration Council; authorizing the Lake County legislative delegation to waive such membership qualifications for good cause; providing for council vacancies; amending s. 373.705, F.S.; requiring water management districts to promote expanded cost-share criteria for additional conservation practices; amending s. 378.209, F.S.; excluding clay settling areas from reclamation rate requirements under certain circumstances; amending s. 403.067, F.S.; authorizing land set-asides and land-use modifications that reduce nutrient loads into nutrient-impaired surface waters to be used under the water quality credit trading program; amending s. 403.201, F.S.; providing applicability of prohibited variances relating to certain discharges of waste; amending s. 403.709, F.S.; establishing a solid waste landfill closure account within the Solid Waste Management Trust Fund to be used for specified purposes; providing for the deposit of certain funds into the account; providing an appropriation; amending s. 403.713, F.S.; providing a limit on the exercise of flow control authority for landfill gas-to-energy facilities; reenacting s. 373.414(17), F.S., relating to additional criteria for activities in surface waters and wetlands,

to incorporate the amendment made to s. 403.201, F.S.; providing an effective date.

By the Committees on Appropriations; and Higher Education; and Senator Gaetz—

CS for CS for SB 948—A bill to be entitled An act relating to education; amending s. 282.0051, F.S.; requiring the Agency for State Technology to establish and publish information technology architecture standards for purposes of implementing digital classrooms by a specified date; requiring the agency to collaborate with the Department of Education and the Department of Management Services to identify certain state term contract or other local procurement options for services that support such standards and to identify certain shared services available through the State Data Center to facilitate the implementation of school district digital classrooms plans; requiring the agency's annual assessment of the Department of Education to review specified issues with respect to school district digital classrooms plans and to provide planning assistance to address and reduce issues identified by the assessment; amending s. 282.00515, F.S.; conforming a cross-reference to changes made by the act; creating s. 282.0052, F.S.; establishing requirements for the agency or a contracted organization with respect to the establishment and assessment of digital classrooms information technology architecture standards; requiring the agency or contracted organization to annually submit a report to the Governor and the Legislature; prescribing report requirements; requiring the agency to annually update the Commissioner of Education on the status of technology infrastructure; requiring the Department of Education to annually update school districts regarding compliance with information technology architecture standards and provide planning guidance; requiring a school district to take certain action in the event of noncompliance with information technology architecture standards; amending s. 402.56, F.S.; revising the membership of the Children and Youth Cabinet; amending s. 446.021, F.S.; revising terms; amending s. 446.032, F.S.; conforming a provision to changes made by the act; requiring the Department of Education, in collaboration with the Department of Economic Opportunity, to identify, develop, and register specified apprenticeship programs; requiring the department to annually submit an accountability report with specified requirements to the Governor, the Legislature, and the Higher Education Coordinating Council; requiring the department to post on its Internet website specified information regarding apprenticeship programs; amending s. 446.045, F.S.; clarifying State Apprenticeship Advisory Council membership; amending s. 446.052, F.S.; requiring the Department of Education, in collaboration with the Department of Economic Opportunity, to identify, develop, and register specified preapprenticeship programs; requiring the department to annually submit an accountability report with specified requirements to the Governor, the Legislature, and the Higher Education Coordinating Council; requiring the department to post on its Internet website specified information regarding preapprenticeship programs; requiring the Department of Education, in collaboration with the Department of Economic Opportunity and CareerSource Florida, Inc., to submit an operational report to the Governor, the Legislature, and the Higher Education Coordinating Council with specified information; providing for expiration; amending s. 446.081, F.S.; clarifying the limitations of certain provisions; amending s. 446.091, F.S.; conforming a provision to a change made by the act; amending s. 446.092, F.S.; revising characteristics of an apprenticeable occupation; amending s. 1000.03, F.S.; revising the mission of the Florida K-20 education system; amending s. 1001.02, F.S.; revising the duties of the State Board of Education with respect to the supervision of the divisions of the Department of Education; amending s. 1001.03, F.S.; revising requirements for the state board's articulation accountability measures; authorizing the state board to take certain action in the event of noncompliance of a district school board or a Florida Community College System institution board of trustees; defining the term "college"; specifying authorized and prohibited uses of the term; conforming provisions to changes made by the act; amending s. 1001.20, F.S.; requiring the Office of Technology and Information Services of the Department of Education to consult with the Agency for State Technology in developing the 5-year strategic plan for Florida digital classrooms; removing an obsolete date; revising requirements for the 5-year strategic plan; expanding the list of responsibilities of the Office of Technology and Information Services; amending s. 1001.42, F.S.; prohibiting a technical center governing board from approving specified courses and programs; amending s. 1001.43, F.S.; authorizing district school boards to adopt a standard student attire policy;

establishing criteria for and the purpose of the policy; providing immunity from civil liability for district school boards that implement a standard student attire policy under certain conditions; amending s. 1001.44, F.S.; prescribing the mission and responsibilities of a career center operated by a district school board; specifying certain restrictions applicable to a career center; amending s. 1001.60, F.S.; redesignating the "Florida College System" as the "Florida Community College System"; amending s. 1001.705, F.S.; prescribing the mission and responsibilities of the State University System; amending s. 1001.7065, F.S.; revising a requirement that a specified state research university establish an institute for online learning; conforming provisions to changes made by the act; creating ss. 1001.815 and 1001.92, F.S.; requiring the Board of Governors and the State Board of Education to base state performance funds for the State University System and the Florida College System, respectively, on specified metrics adopted by each board; specifying allocation of the funds; requiring certain funds to be withheld from an institution based on specified performance; requiring the boards to submit reports by a specified time to the Governor and the Legislature; requiring the boards to adopt rules; amending s. 1002.20, F.S.; conforming cross-references; revising provisions related to participation in extracurricular activities; conforming provisions to changes made by the act; amending s. 1002.33, F.S.; conforming cross-references; amending s. 1002.34, F.S.; prescribing the mission and responsibilities of a charter technical career center; specifying certain restrictions applicable to a charter technical career center; amending s. 1003.42, F.S.; requiring that instructional staff of public schools provide instruction to students about the terrorist attacks occurring on September 11, 2001, and the impact of those events; providing a short title; amending s. 1004.015, F.S.; revising the composition of the Higher Education Coordinating Council; creating s. 1004.084, F.S.; requiring the Board of Governors and the State Board of Education to identify strategies and initiatives to reduce the cost of higher education; requiring the Board of Governors and the state board to annually submit a report to the Governor and the Legislature; amending s. 1004.085, F.S.; defining the term "instructional materials"; revising policies and procedures relating to textbooks; requiring a public postsecondary institution to post information relating to required and recommended textbooks and instructional materials and prices in its course registration system and on its website; requiring the state board and the Board of Governors to adopt textbook and instructional materials affordability policies, procedures, and guidelines; providing requirements for the use of adopted undergraduate textbooks and instructional materials; requiring annual reporting of textbook and instructional materials cost information and affordability policies and procedures to the Chancellor of the Florida College System or the Chancellor of the State University System; requiring electronic copies of the affordability policies and procedures be sent annually to the state board or the Board of Governors; amending s. 1004.65, F.S.; providing that Florida Community College System institutions may offer upper level instruction and award baccalaureate degrees, as authorized; conforming provisions to changes made by the act; amending s. 1004.92, F.S.; requiring the State Board of Education to adopt rules relating to accountability for career education; amending s. 1006.15, F.S.; establishing guiding principles for extracurricular activities; defining terms; revising academic eligibility requirements; specifying grounds for student ineligibility for participation in interscholastic extracurricular activities; specifying conditions under which students who are enrolled in public schools, certain private schools, or home education programs may participate in the extracurricular activities of a public school; deleting obsolete provisions; amending s. 1006.16, F.S.; revising insurance requirements to include students who participate in nonathletic extracurricular activities; requiring that insurance coverage provided by district school boards for participants in extracurricular activities include certain students; amending s. 1006.19, F.S.; providing a period within which an audit of a nonprofit association's records must be provided to the Auditor General; requiring the Auditor General to conduct operational audits of the nonprofit association's accounts and records; amending s. 1006.20, F.S.; providing for review of the Florida High School Athletic Association (FHSAA) performance of duties; providing requirements regarding fees and admission prices; revising requirements for FHSAA membership and providing membership alternatives; revising provisions regarding student eligibility and transfer; providing procedures for resolving student eligibility disputes; revising the governing structure of the FHSAA; deleting provisions relating to the FHSAA's board of directors, representative assembly, public liaison advisory committee, and appeals committees; deleting requirements with respect to amendments to the FHSAA's bylaws; amending s. 1006.735, F.S.; establishing the Rapid Response Education and Training Program

within the Complete Florida Plus Program; requiring the Complete Florida Plus Program to work with Enterprise Florida, Inc., to offer credible education and training commitments to businesses; specifying the duties of the Rapid Response Education and Training Program; requiring reports to the Legislature; requiring the Division of Career and Adult Education within the Department of Education to conduct an analysis and assessment of the effectiveness of the education and training programs; amending s. 1007.01, F.S.; revising required components for articulation policies established and adopted by the state board and the Board of Governors; amending s. 1007.23, F.S.; revising requirements for the statewide articulation agreement; amending s. 1007.271, F.S.; exempting dual enrollment students from paying technology fees; requiring a home education secondary student to be responsible for his or her own instructional materials and transportation in order to participate in the dual enrollment program unless the articulation agreement provides otherwise; requiring a postsecondary institution that is eligible to participate in the dual enrollment program to enter into a home education articulation agreement; requiring the postsecondary institution to annually complete and submit the agreement to the Department of Education by a specified date; conforming provisions to changes made by the act; authorizing certain instructional materials to be made available free of charge to dual enrollment students in home education programs and private schools if provided for in the articulation agreement; requiring the department to review dual enrollment articulation agreements submitted for certain students, including home education students and private school students, to participate in a dual enrollment program; requiring the Commissioner of Education to notify the district school superintendent and the president of the postsecondary institution if the dual enrollment articulation agreement does not comply with statutory requirements; requiring a district school board and a Florida College System institution to annually complete and submit to the department by a specified date a dual enrollment articulation agreement with a state university and an eligible independent college or university, as applicable; providing requirements for a private school student to participate in a dual enrollment program; requiring a postsecondary institution eligible to participate in the dual enrollment program to enter into an articulation agreement with each private school student seeking enrollment in a dual enrollment course and his or her parent; requiring the postsecondary institution to annually complete and submit the articulation agreement to the department by a specified date; providing requirements for the articulation agreement; amending s. 1007.273, F.S.; revising requirements for a contract between a district school board and a Florida Community College System institution for the administration of collegiate high school programs; requiring school districts and Florida Community College System institutions to annually report specified information regarding collegiate high school programs to the Department of Education; amending s. 1007.33, F.S.; revising provisions regarding baccalaureate degree programs that may be offered by a Florida Community College System institution; prohibiting a Florida Community College System institution from offering a Bachelor of Arts degree program; removing obsolete language; revising provisions regarding the approval process for baccalaureate degree programs; restricting total upper-level, undergraduate full-time equivalent enrollment at a Florida Community College System institution; amending s. 1008.38, F.S.; revising minimum requirements for an articulation accountability process; amending s. 1009.22, F.S.; revising the amount by which tuition may vary for the combined total of the standard tuition and out-of-state fees; amending s. 1009.23, F.S.; prohibiting resident tuition at a Florida College System institution from exceeding a specified amount per credit hour; revising the amount by which tuition may vary for the combined total of the standard tuition and out-of-state fees; requiring a Florida College System institution to publicly notice meetings at which votes on proposed tuition or fee increases are scheduled; amending s. 1009.24, F.S.; prohibiting resident undergraduate tuition at a state university from exceeding a specified amount per credit hour; removing authority for a designee of the Board of Governors to establish graduate and professional tuition and out-of-state fees; prohibiting graduate and professional program tuition from exceeding a specified amount; requiring a state university to publicly notice meetings at which votes on proposed tuition or fee increases are scheduled; amending ss. 1009.534, 1009.535, and 1009.536, F.S.; requiring a student, as a prerequisite for the Florida Academic Scholars award, the Florida Medallion Scholars award, or the Florida Gold Seal Vocational Scholars award, to identify a social or civic issue or a professional area of interest and develop a plan for his or her personal involvement in addressing the issue or learning about the area; prohibiting the student from receiving remuneration or academic credit

for the volunteer service work performed except in certain circumstances; requiring the hours of volunteer service work to be documented in writing and signed by the student, the student's parent or guardian, and a representative of the organization for which the student performed the volunteer service work; amending s. 1009.893, F.S., changing the name of the "Florida National Merit Scholar Incentive Program" to the "Benacquisto Scholarship Program"; providing that a student who receives the scholarship award under the program be referred to as a Benacquisto Scholar; encouraging all eligible Florida public or independent postsecondary educational institutions, and requiring all eligible state universities, to become a college-sponsor of the program; conforming provisions to changes made by the act; amending s. 1011.62, F.S.; requiring supplemental academic instruction categorical funds and research-based reading instruction allocation funds to be used by a school district that has one or more of the lowest-performing elementary schools for additional intensive reading instruction at such school during the summer program in addition to instruction during the school year; providing that the school must comply with additional instruction requirements the following year for certain students; requiring the Department of Education to provide a list of specified elementary schools by a specified date; encouraging schools districts to provide a summer program with a focus on reading for specified students; revising the formula for calculating the value of full-time equivalent student membership for students who earn CAPE industry certifications through dual enrollment; increasing the bonus awarded to teachers who provided instruction in courses that led to certain CAPE industry certifications; specifying a maximum bonus amount per teacher per school year; revising the calculation used to determine the discretionary millage compression supplement; revising the formula for computing the district sparsity index for districts with a specified full-time equivalent student membership; deleting obsolete language; revising the calculation of the virtual education contribution; revising the date by which district school boards must annually submit a digital classrooms plan to the Department of Education; requiring the department to contract with an independent auditing entity in the event of noncompliance with minimum protocols and requirements in the administration of online assessments; requiring a charter school to submit the school's digital classrooms plan to the applicable school district; requiring that the plan be submitted in a specified format; specifying conditions for a school district to maintain eligibility for Florida digital classrooms allocation funds; requiring the Commissioner of Education to implement an online portal for electronic submission of digital classrooms plans by a specified date; requiring a charter school to annually report to the department regarding the use of specified funds; revising requirements for the commissioner's annual report to the Governor and the Legislature regarding the digital classrooms plan; creating a federally connected student supplement for school districts; specifying eligibility requirements and calculations for the supplement; providing for the withholding of a district's safe schools funding for failure to comply with certain reporting requirements with respect to school safety and student discipline; conforming provisions to changes made by the act; amending s. 1011.71, F.S.; conforming a cross-reference; authorizing enterprise resource software to be acquired by certain fees and agreements; creating s. 1011.802, F.S.; creating the Florida Apprenticeship Grant Program within the Department of Education to provide grants to specific centers and institutions for the creation of new apprenticeship programs or the expansion of existing apprenticeship programs; providing funding for the program; providing requirements related to applications, program priority, use of grant funds, and quarterly reports; amending s. 1012.34, F.S.; requiring that classroom teacher performance evaluations be based upon the performance of students with fewer than a specified number of absences; amending s. 1012.39, F.S.; providing requirements regarding liability insurance for students participating in a clinical field experience; amending s. 1012.71, F.S.; requiring a classroom teacher to provide the school district with receipts for the expenditure of certain funds; requiring a classroom teacher to return funds for which there are undocumented expenditures to the district school board; requiring such funds to be deposited into the school advisory council account; creating s. 1012.731, F.S.; providing legislative intent; establishing the Florida Best and Brightest Teacher Scholarship Program; providing eligibility criteria; requiring a school district to annually submit the number of eligible teachers to the department; providing for funding and the disbursement of funds; defining the term "school district" for purposes of the act; amending s. 1012.75, F.S.; requiring the department to administer an educator liability insurance program; defining terms; specifying program administration and eligibility requirements; creating s. 1013.385, F.S.; providing for school district construction flexibility; au-

thorizing exceptions to educational facilities construction requirements under certain circumstances; amending s. 1013.40, F.S.; increasing the number of beds that may be in a dormitory constructed by certain Florida College System institutions; amending s. 1013.74, F.S.; authorizing a university board of trustees to expend specified reserve or carry forward balances for academic instructional space or critical deferred maintenance needs; requiring the state board and the Board of Governors to submit a report to the Governor and the Legislature by a specified date; prescribing report requirements; providing a directive to the Division of Law Revision and Information; providing an effective date.

By the Committees on Appropriations; and Communications, Energy, and Public Utilities; and Senator Legg—

CS for CS for SB 1102—A bill to be entitled An act relating to utility projects; providing a short title; providing definitions; authorizing certain local government entities to finance the costs of a utility project by issuing utility cost containment bonds upon application by a local agency; specifying application requirements; requiring a successor entity of a local agency to assume and perform the obligations of the local agency with respect to the financing of a utility project; providing procedures for local agencies to use when applying to finance a utility project using utility cost containment bonds; authorizing an authority to issue utility cost containment bonds for specified purposes related to utility projects; authorizing an authority to form alternate entities to finance utility projects; requiring the governing body of the authority to adopt a financing resolution and impose a utility project charge on customers of a publicly owned utility as a condition of utility project financing; specifying required and optional provisions of the financing resolution; specifying powers of the authority; requiring the local agency or its publicly owned utility to assist the authority in the establishment or adjustment of the utility project charge; requiring that customers of the public utility specified in the financing resolution pay the utility project charge; providing for adjustment of the utility project charge; establishing ownership of the revenues of the utility project charge; requiring the local agency or its publicly owned utility to collect the utility project charge; conditioning a customer's receipt of public utility services on payment of the utility project charge; authorizing a local agency or its publicly owned utility to use available remedies to enforce collection of the utility project charge; providing that the pledge of the utility project charge to secure payment of bonds issued to finance the utility project is irrevocable and cannot be reduced or impaired except under certain conditions; providing that a utility project charge constitutes utility project property; providing that utility project property is subject to a lien to secure payment of costs relating to utility cost containment bonds; establishing payment priorities for the use of revenues of the utility project property; providing for the issuance and validation of utility cost containment bonds; securing the payment of utility cost containment bonds and related costs; providing that utility cost containment bonds do not obligate the state or any political subdivision and are not backed by their full faith and credit and taxing power; requiring that certain disclosures be printed on utility cost containment bonds; providing that financing costs related to utility cost containment bonds are an obligation of the authority only; providing limitations on the state's ability to alter financing costs or utility project property under certain circumstances; prohibiting an authority with outstanding payment obligations on utility cost containment bonds from becoming a debtor under certain federal or state laws; providing for construction; endowing public entities with certain powers; providing an effective date.

By the Committee on Appropriations; and Senator Abruzzo—

CS for SB 1116—A bill to be entitled An act relating to the Literacy Jump Start Pilot Project; requiring the Office of Early Learning to establish the pilot project in St. Lucie County to assist low-income, at-risk children in developing emergent literacy skills; requiring the office to select an organization to implement the pilot project; requiring the office to oversee implementation of the pilot project; defining the term "emergent literacy"; providing eligibility requirements for participation; requiring background screening for child care personnel; requiring emergent literacy training for instructors; encouraging the coordination of basic health screening and immunization services in conjunction with emergent literacy instruction; requiring annual submission of an ac-

countability report; requiring the office to allocate funds for the pilot project; providing an effective date.

By the Committees on Appropriations; and Education Pre-K - 12; and Senator Legg—

CS for CS for SB 1264—A bill to be entitled An act relating to education; amending s. 282.0051, F.S.; requiring the Agency for State Technology to establish and publish information technology architecture standards for purposes of implementing digital classrooms by a specified date; requiring the agency to collaborate with the Department of Education and the Department of Management Services to identify certain state contract procurement options for services that support such standards and to identify certain shared services available through the State Data Center to facilitate the implementation of school district digital classrooms plans; requiring the agency's annual assessment of the Department of Education to review specified issues with respect to school district digital classrooms plans and to provide planning assistance to address and reduce issues identified by the assessment; amending s. 282.00515, F.S.; conforming a cross-reference to changes made by the act; creating s. 282.0052, F.S.; establishing requirements for the agency or a contracted organization with respect to the establishment and assessment of digital classrooms information technology architecture standards; requiring the agency or contracted organization to annually submit a report to the Governor and the Legislature; prescribing report requirements; requiring the agency to annually update the Commissioner of Education on the status of technology infrastructure; requiring the Department of Education to annually update school districts regarding compliance with information technology architecture standards and provide planning guidance; requiring a school district to take certain action in the event of noncompliance with information technology architecture standards; amending s. 1001.20, F.S.; requiring the Office of Technology and Information Services of the Department of Education to consult with the Agency for State Technology in developing the 5-year strategic plan for Florida digital classrooms; removing an obsolete date; revising requirements for the 5-year strategic plan; expanding the list of responsibilities of the Office of Technology and Information Services; amending s. 1001.42, F.S.; revising the powers and duties of the district school board to authorize the adoption of rules regarding procurement practices; defining the term "electronic auction services"; amending s. 1006.27, F.S.; authorizing a district school board's use of electronic auction services in conjunction with bid pooling for school buses and related purchases; amending s. 1011.62, F.S.; revising the date by which district school boards must annually submit a digital classrooms plan to the Department of Education; revising minimum requirements for the digital classrooms plan; requiring the department to contract with an independent auditing entity in the event of noncompliance with minimum protocols and requirements in the administration of online assessments; requiring a charter school to submit the school's digital classrooms plan to the applicable school district; specifying required format for the plan; specifying conditions for a school district to maintain eligibility for Florida digital classrooms allocation funds; requiring the Commissioner of Education to implement an online portal for electronic submission of digital classrooms plans by a specified date; requiring a charter school to annually report to the department regarding the use of specified funds; revising requirements for the commissioner's annual report to the Governor and the Legislature regarding the digital classrooms plan; amending s. 1011.71, F.S.; authorizing enterprise resource software to be acquired by certain fees and agreements; providing an effective date.

By the Committee on Appropriations; and Senator Richter—

CS for SB 1468—A bill to be entitled An act relating to the regulation of oil and gas resources; amending s. 377.19, F.S.; applying the definitions of certain terms to additional sections of ch. 377, F.S.; conforming a cross-reference; defining the term "high pressure well stimulation"; amending s. 377.22, F.S.; revising the rulemaking authority of the Department of Environmental Protection; providing that certain information may be considered proprietary business information; amending s. 377.24, F.S.; requiring that a permit be obtained before the performance of any high pressure well stimulation; specifying that a permit may authorize single or multiple activities; prohibiting the department from approving any permit for a high pressure well stimulation until rulemaking is complete; amending s. 377.241, F.S.; requiring the Division of Resource Management to give consideration to and be guided by certain additional criteria when issuing permits; amending s. 377.242, F.S.; authorizing the department to issue permits for the performance of high pressure well stimulation; clarifying provisions relating to division inspection; prohibiting a county, municipality, or other political subdivi-

sion of the state from adopting or establishing permitting programs for certain oil and gas activities; amending s. 377.2425, F.S.; requiring an applicant or operator to provide surety that performance of a high pressure well stimulation will be conducted in a safe and environmentally compatible manner; creating s. 377.2436, F.S.; directing the department to conduct a study on high pressure well stimulations; providing study criteria; requiring the study to be submitted to the Governor and the Legislature by a specified date; requiring the study to be posted on the department website; amending s. 377.37, F.S.; increasing the maximum amount for civil penalties; creating s. 377.45, F.S.; requiring the department to designate the national chemical registry as the state's registry; requiring service providers, vendors, or well owners or operators to report certain information to the registry; providing applicability; providing an appropriation; providing an effective date.

By the Committee on Appropriations; and Senator Detert—

CS for SB 1522—A bill to be entitled An act relating to workforce training; amending s. 446.021, F.S.; redefining terms; amending s. 446.032, F.S.; conforming a provision to changes made by the act; requiring the Department of Education, in collaboration with the Department of Economic Opportunity, to identify and recommend specified apprenticeship programs; requiring the department to annually submit an accountability report with specified requirements to the Governor, the Legislature, and the Higher Education Coordinating Council; requiring the department to post on its Internet website specified information regarding apprenticeship programs; amending s. 446.052, F.S.; requiring the Department of Education, in collaboration with the Department of Economic Opportunity, to identify and recommend specified preapprenticeship programs; requiring the department to annually submit an accountability report with specified content to the Governor, the Legislature, and the Higher Education Coordinating Council; requiring the department to post on its Internet website specified information regarding preapprenticeship programs; requiring the Department of Education, in collaboration with the Department of Economic Opportunity and CareerSource, Florida, Inc., to submit an operational report to the Governor, the Legislature, and the Higher Education Coordinating Council with specified information; amending s. 446.091, F.S.; conforming a provision to changes made by the act; providing an effective date.

By the Committees on Appropriations; and Communications, Energy, and Public Utilities; and Senator Simpson—

CS for CS for SB 1538—A bill to be entitled An act relating to a natural gas rebate program; amending s. 377.810, F.S.; authorizing the Department of Agriculture and Consumer Services to receive additional applications from certain applicants; authorizing any remaining unencumbered funds to be used by the department to award additional rebates; providing an effective date.

By the Committees on Appropriations; and Education Pre-K - 12; and Senator Benacquisto—

CS for CS for SB 1552—A bill to be entitled An act relating to student choice; amending s. 1002.20, F.S.; conforming a provision to changes made by the act; authorizing parents of public school students to seek private educational choice options through the Florida Personal Learning Scholarship Accounts Program under certain circumstances; providing that a parent has the right to know certain financial information; requiring the information to be published in a parent guide; amending s. 1002.31, F.S.; requiring each district school board to allow a parent to enroll his or her child in and transport his or her child to any public school that has not reached capacity in the district; authorizing a school district to provide transportation to such students at the district's discretion; requiring the student to remain at such school for a specified timeframe; revising requirements for the controlled open enrollment process; authorizing a parent to enroll his or her child in and transport his or her child to any public school that has not reached capacity in the state; requiring each district school board to establish a transfer process to another classroom teacher; providing that a parent is not given the right to choose a specific classroom teacher; providing requirements for the transfer process; amending s. 1002.33, F.S.; revising the required contents of charter school applications; requiring a charter school to submit quarterly financial statements for the first year of operation with specified information included; requiring a charter school to submit a plan to become financially viable under certain circumstances; conforming provisions regarding the appeal process for denial of a high-

performing charter school application; specifying that the reading curriculum and instructional strategies in a charter school's charter satisfy the research-based reading plan requirement and that charter schools are eligible for the research-based reading allocation; requiring a person or officer of an entity who submits a charter school application to undergo background screening; prohibiting a sponsor from approving a charter school application until completion, receipt, and review of the results of such screening; requiring a charter to document that the governing board is independent of a management company or cooperative; revising charter provisions relating to long-term charters and charter terminations; revising the deadline by which a charter school must have a certificate of occupancy or temporary certificate of occupancy; revising conditions for nonrenewal or termination of a charter; requiring the sponsor to review monthly financial statements; requiring the sponsor to notify specified parties of a charter's termination under certain circumstances; requiring a charter school's governing board to appoint a representative to provide information and assistance to parents; requiring the governing board to hold a certain number of meetings that are noticed, open, and accessible to the public per school year; authorizing a charter school that has not reached capacity to be open to any student in the state; revising requirements for the funding of charter schools; prohibiting the district school board from delaying payment to a charter school under specified circumstances; requiring the Department of Education to include a standard application form when providing information to the public on how to form, operate, and enroll in a charter school; prohibiting an employee of a management company or cooperative from being a member of a charter school governing board; prohibiting specified conflicts of interests on the part of members of the governing board of a charter school or charter school cooperative organization; amending s. 1002.331, F.S.; providing an exception to the prohibition on a high-performing charter school establishing more than one charter school in this state under specified circumstances; conforming provisions and a cross-reference to changes made by the act; deleting obsolete provisions; creating s. 1003.3101, F.S.; requiring each district school board to establish a classroom teacher transfer process for parents, approve or deny a request within a certain timeframe, and post an explanation of the transfer process in the student handbook or a similar publication; amending s. 1003.57, F.S.; revising program requirements for exceptional students instruction; requiring each school district to enter into an agreement with a hospital by a specified date; creating s. 1004.6491, F.S.; establishing the Florida Institute for Charter School Innovation; specifying requirements for the institute; requiring an annual report to the Governor and the Legislature; requiring a report on the institute's annual financial audit to the Auditor General, the Board of Governors of the State University System, and the State Board of Education; creating s. 1011.6202, F.S.; creating the Principal Autonomy Pilot Program Initiative; providing a procedure for a school district to participate in the program; providing requirements for participating school districts and schools; exempting participating school districts from certain laws and rules; requiring principals of participating schools to complete a specific professional development program; providing for the term of participation in the program; providing for renewal or revocation of authorization to participate in the program; providing for reporting and rulemaking; amending s. 1011.64, F.S.; providing that certain training may be included in school district minimum classroom expenditure requirements; amending s. 1011.69, F.S.; requiring participating district school boards to allocate a specified percentage of certain funds to participating schools; amending s. 1012.28, F.S.; providing additional authority and responsibilities of the principal of a participating school in a charter school district; amending s. 1012.42, F.S.; authorizing a parent who receives notification that a teacher is teaching outside his or her field to request that his or her child be transferred to another classroom teacher within the school and grade in which the child is currently enrolled; amending s. 1012.986, F.S.; specifying the contents of a specific professional development program for certain school principals; amending s. 1013.62, F.S.; revising eligibility requirements for charter school capital outlay funding; specifying the applicability of certain reporting requirements to charter schools and public schools; providing an effective date.

By the Committees on Appropriations; Community Affairs; and Education Pre-K - 12; and Senator Legg—

CS for CS for SB 7006—A bill to be entitled An act relating to early learning; providing a directive to the Division of Law Revision and Information to change the term “family day care home” to “family child care home,” and the term “family day care” to “family child care”; amending ss. 125.0109 and 166.0445, F.S.; including large family child care homes in local zoning regulation requirements; amending s. 402.302, F.S.; redefining the term “substantial compliance”; requiring

the Department of Children and Families to adopt rules for compliance by certain programs regulated, but not licensed, by the department; amending s. 402.3025, F.S.; revising requirements for nonpublic schools delivering certain voluntary prekindergarten education programs and school readiness programs; amending s. 402.305, F.S.; revising certain minimum standards for child care facilities; prohibiting the transfer of ownership of such facilities to specified individuals; creating s. 402.3085, F.S.; requiring nonpublic schools or providers seeking to operate certain programs to annually obtain a certificate from the department or a local licensing agency; providing for issuance of the certificate upon examination of the applicant's premises and records; prohibiting a provider from participating in the programs without a certificate; authorizing local licensing agencies to apply their own minimum child care standards under certain circumstances; amending s. 402.311, F.S.; providing for the inspection of programs regulated by the department; amending s. 402.3115, F.S.; providing for abbreviated inspections of specified child care homes; requiring rulemaking; amending s. 402.313, F.S.; revising provisions for licensure, registration, and operation of family child care homes; amending s. 402.3131, F.S.; revising requirements for large family child care homes; amending s. 402.316, F.S.; providing exemptions from child care facility licensing standards; requiring a child care facility operating as a provider of certain voluntary prekindergarten education programs or child care programs to comply with minimum standards; providing penalties for failure to disclose or for use of certain information; requiring the department to establish a fee for inspection and compliance activities; amending s. 627.70161, F.S.; revising restrictions on residential property insurance coverage to include coverage for large family child care homes; amending s. 1001.213, F.S.; providing additional duties of the Office of Early Learning; amending s. 1002.53, F.S.; revising requirements for application and determination of eligibility to enroll in the Voluntary Prekindergarten (VPK) Education Program; amending s. 1002.55, F.S.; revising requirements for a school-year prekindergarten program delivered by a private prekindergarten provider, including requirements for providers, instructors, and child care personnel; providing requirements in the case of provider violations; amending s. 1002.59, F.S.; conforming a cross-reference to changes made by the act; amending ss. 1002.61 and 1002.63, F.S.; revising employment requirements and educational credentials of certain instructional personnel; amending s. 1002.71, F.S.; revising information that must be provided to parents; amending s. 1002.75, F.S.; revising provisions included in the standard statewide VPK program provider contract; amending s. 1002.77, F.S.; revising the purpose and meetings of the Florida Early Learning Advisory Council; amending s. 1002.81, F.S.; revising certain program definitions; amending s. 1002.82, F.S.; revising the powers and duties of the Office of Early Learning; revising provisions included in the standard statewide school readiness provider contract; amending s. 1002.84, F.S.; revising the powers and duties of early learning coalitions; conforming provisions to changes made by the act; amending s. 1002.87, F.S.; revising student eligibility and enrollment requirements for the school readiness program; amending s. 1002.88, F.S.; revising eligibility requirements for program providers that want to deliver the school readiness program; providing conditions for denial of initial eligibility; providing child care personnel requirements; amending s. 1002.89, F.S.; revising the use of funds for the school readiness program; amending s. 1002.91, F.S.; prohibiting an early learning coalition from contracting with specified persons; amending s. 1002.94, F.S.; revising establishment of a community child care task force by an early learning coalition; requiring the Office of Early Learning to conduct a pilot project to study the impact of assessing the early literacy skills of certain VPK program participants; requiring the office to report its findings to the Governor and the Legislature by specified dates; providing an effective date.

CORRECTION AND APPROVAL OF JOURNAL

The Journal of April 22 was corrected and approved.

CO-INTRODUCERS

Senators Abruzzo—CS for SB 1270; Gaetz—SM 1422

ADJOURNMENT

On motion by Senator Simmons, the Senate adjourned at 4:11 p.m. for the purpose of holding committee meetings and conducting other Senate business to reconvene at 10:00 a.m., Friday, April 24 or upon call of the President.